



# राजपत्र, हिमाचल प्रदेश

## हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

खण्ड: 54

शिमला, शनिवार, 4 नवम्बर, 2006/13 कातिक, 1928

संख्या : 32

### विषय सूची

भाग-1	वैधानिक नियमों को छोड़कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि	1282—1294 तथा 1307—1346
भाग-2	वैधानिक नियमों को छोड़कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि	1294—1295
भाग-3	प्रविवनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाइनान्सियल कमिशनर तथा कमिशनर-ग्राफ-इन्कम टैक्स द्वारा अधिसूचित प्रादेश इत्यादि	1295
भाग-4	स्थानीय स्वायत्त शासन, म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाऊन एरिया तथा पंचायती राज विभाग	—
भाग-5	वैधानिक अधिसूचनाएं और विज्ञापन	1295—1306
भाग-6	भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन	—
भाग-7	भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं	—
—	अनुसूचक	—

4 नवम्बर, 2006/13 कातिक, 1928 को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञप्तियां 'प्रसाधारण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुईं:—

विज्ञप्ति की संख्या	विभाग का नाम	विषय
No. SEC. 13-86/2006-2129-34, dated 1st November, 2006.	State Election Commission Himachal Pradesh	Programme for the delimitation of wards of Municipal Corporation Shimla.
संख्या 50 एसओ एनओ-एफ (5) 4/2006 दिनांक 31 अक्टूबर, 2006.	श्रावकारी एवं कराधान	हिमाचल प्रदेश मूल परिवर्धित कर नियम, 2005 में संशोधन बारे।

# NOTIFICATIONS

Shimla-1, the 18/20th July, 2006

No. HHC/GAZ/14-15-73-III-15728. -Consequent upon the enactment of the Himachal Pradesh Judicial Officer (Pay and Conditions of Service) Act, 2003 and the framing of the Himachal Pradesh Judicial Officer (Pay fixation) Rules, 2003 read with Rule 3 (4) of the Himachal Pradesh Judicial Service Rules, 2004, the Selection grade of Rs. 18750-400-19150-450-21850-500-22850 to Shri Shamsher Singh, President District Consumer Disputes Redressal Forum, Mandi has been granted w.e.f. 1-7-2006 and he shall be called as "Selection Grade District Judge".

BY ORDER OF THE HON'BLE HIGH COURT OF  
H. P.

Sd/-  
Registrar General.

Shimla-1, the 19th July 2006

No. HHC/GAZ/14-99-89-II-15632-49. -The Hon'ble High Court has been pleased to extend the period of probation of the following members of the H. P. Judicial Service, in the cadre of Civil Judges (Jr. Division) under Rule 10(3) read with Rule 18 of H. P. Judicial Service Rules, 2004 for one year with effect from the date (s) shown against each or till they qualify the Departmental Examination, whichever is earlier :—

Sl. No.	Name of the Officer	Date from which probation period is extended
1.	Smt Sheetal Sharma	30-7-2006
2.	Shri Vivek Khenal	31-7-2006
3.	Shri Basant Lal Verma	31-7-2006
4.	Shri Anil Kumar	3-8-2006

Shimla-1, the 19th July, 2006,

No. HHC/GAZ/14-274/2004-15669-87. -In exercise of the powers vesting in it under Article 235 of the Constitution of India and Rule 4 (2) of the H. P. Judicial Service Rules, 2004 and all other powers enabling it in this behalf, Hon'ble High Court of Himachal Pradesh has been pleased to order the promotion of the following Civil Judges (Jr. Division), as Civil Judges (Senior Division), in the pay scale of Rs. 12850-300-13150-350-15950-400-17550, purely on *ad hoc* basis, with immediate effect :—

1. Shri Pune Ram
2. Shri Rajeev Bali
3. Shri Pawanjit Singh
4. Shri Jaswant Singh
5. Smt. Jyotsna S. Dadhwal
6. Shri Madan Kumar

Shimla-1, the 19th July 2006

No. HHC/GAZ/14-99-80-II-15613-31. The Hon'ble High Court of Himachal Pradesh in exercise of the powers vested under Rule 12 of the H. P. Judicial Service Rules, 2004 is pleased to order the confirmation of Shri Ranjeet Singh, Civil Judge (Jr. Division), a member of the H. P. Judicial Service, with effect from 10-6-2006.

The confirmation of the above Judicial officer will not effect the *inter-se* seniority of the members of the H. P. Judicial Service of their batch, which shall be determined in accordance with the Rules.

No. HHC/E. 5-10 73-VI-15749-57. -The Hon'ble High Court of H. P. has been pleased to order the confirmation of S/Shri Rakesh Kumar Gupta, Premi Chand Sharma, Ganesh Dutt Sharma, Gian Chand Thakur, Subhash Chand Sharma, Rajinder Dutt Sharma, Ram Swarup Sharma and Om Prakash Katoch, Superintendents (Grade-I) offices of the District and Sessions Judges in H. P. with immediate effect, against regular available posts.

Shimla-1, the 19th/21st July, 2006

No. HHC/Admn. 6 (18) 77-VI-15890. -In exercise of the powers vesting in it under Section 13 of the Code of Criminal Procedure, 1973, the Hon'ble High Court of Himachal Pradesh hereby confers the powers of Special Judicial Magistrate Second Class, upon Ms. Mera Mohanty and Shri Ritesh Chauhan, I.A.S. Probationers attached for District Training with Deputy Commissioners, Kangra and Dharamshala and Chamba respectively with immediate effect for a period of one year, to be exercised by them within their respective jurisdiction.

Shimla-1, the 19th/21st July, 2006

No. HHC/Admn. 16 (8) 74-II-15858. -Hon'ble the Chief Justice, in exercise of the powers vested in him U/s 139 (b) of the Code of Civil Procedure, 1908, U/s 297 (b) of the Code of Criminal Procedure, 1973 and Rule 4 (v) of the H. P. Oath Commissioners (Appointment and Control) Rules, 1996 is pleased to appoint Shri Ashish Sharma, Advocate Hamirpur, District Hamirpur as Oath Commissioner at Hamirpur, H. P. for a period of two years, with immediate effect for administering oaths and affirmations on affidavits to the deponents, under the aforesaid Codes and Rules.

Shimla-1, the 19th/21st July, 2006

No. HHC/Admn. 28(8)74-XII-15869. -In partial modification of this Registry notification No. HHC/Admn. 28 (8) 74-XII-4357-64, dated 3/6-3-2006, the Hon'ble High Court of Himachal Pradesh has been pleased to order that the circuit Court of Civil Judge (Jr. Division)-cum-JMIC (II), Rohru to Chopal is hereby discontinued henceforth. The Civil Judge (Jr. Division)-cum-JMIC, Jubbil in addition to holding circuit court for one week at Theog, will also hold circuit court at Chopal Sub-Division for three days in a month.

Shimla-1, the 22nd July, 2006

No. HHC/Admn. 6(24)74-VII-16008-33. -The Hon'ble High Court of Himachal Pradesh, in exercise of the powers vested in it under Sections 11 and 12 of the Himachal Pradesh Courts Act, 1976, hereby confers the powers of Civil Judge (Junior Division), upon Shri Vikrant Kumar, Civil Judge (Jr. Division) (VI), Shimla new Judicial Officer to be exercised by him in original Civil Suits the value of which does not exceed Rs. 2,00,000/- within the local limits of the Shimla district, with effect from 24-7-2006.

Shimla-1, the 22nd July, 2006

No. HHC/Admn. 6(24)74-VII-16034-59. -The Hon'ble High Court of Himachal Pradesh in exercise of the powers vested in it under sub-sections (2) and (3) of Section 11 of the Code of Criminal Procedure, 1973, (Act No. 2 of 1974) and all other powers enabling it in this behalf, hereby appoints and confers the powers of Judicial Magistrate of the Second Class upon Shri Vikrant Kumar, Civil Judge (Jr. Division) (VI) Shimla new Judicial Officer to be exercised by him within the local limits of Shimla district with effect from 24-7-2006.



The above named officer is further specially empowered to authorise the detention in Police custody in terms of Section 167 (2) (c) of the Code of Criminal Procedure, 1973.

*Shimla-1, the 22nd July, 2006*

No. HHC/Admn. 3 (284)/90-16096.—4 days commuted leave on and with effect from 17-7-2006 to 20-7-2006 with permission to prefix Sunday falling on 16-7-2006 is hereby sanctioned, *ex-post-facto*, in favour of Shri Piar Chand, Secretary of this Registry.

Certified that Shri Piar Chand, Secretary has joined the same post and at the same station from where he had proceeded on leave after expiry of the above leave period.

Certified that Shri Piar Chand would have continued to officiate the same post of Secretary but for his proceeding on leave.

*Shimla-1, the 24th July, 2006*

No. HHC/Admn. 3 (111)/77-1-16156.—6 days earned leave on and w. e. f. 24-7-2005 to 29-7-2006 with permission to affix Sunday falling on 23-7-2006 and 30-7-2006 is hereby sanctioned in favour of Shri J. D. Sharma, Assistant Registrar of this Registry.

Certified that Shri J. D. Sharma, Assistant Registrar is likely to join the same post and at the same station from where he proceeds on leave, after the expiry of above leave.

Certified that Shri J. D. Sharma would have continued to officiate on the same post but for his proceeding on leave.

*Shimla-1, the 24/25th July, 2006*

No. HHC/GAZ/14-284/2005-16261.—Hon'ble the Chief Justice is pleased to grant 15 days paternity leave w. e. f. 25-7-2006 to 8-8-2006 with permission to suffix gazetted holiday falling on 9-8-2006 in favour of Shri Gaurav Sharma, Civil Judge (Jr. Division)-cum-JM (II), Kasauli.

Certified that Shri Gaurav Sharma is likely to join the same post and at the same station from where he proceeds on leave, after expiry of the above period of leave.

Also certified that Shri Gaurav Sharma would have continued to hold the post of Civil Judge (Jr. Division)-cum-JM (II), Kasauli, but for his proceeding on leave for the above period.

*Shimla-1, the 24/25th July, 2006*

No. HHC/GAZ/14-137/82-1-16281.—Hon'ble the Chief Justice is pleased to grant 10 days earned leave w. e. f. 2-8-2006 to 11-8-2006 with permission to suffix Second Saturday and Sunday falling on 12th, and 13th August, 2006 in favour of Shri Pritam Singh, Additional District and Session Judge, Solan, H.P.

Certified that Shri Pritam Singh is likely to join the same post and at the same station from where he proceeds on leave, after expiry of the above period of leave.

Also certified that Shri Pritam Singh would have continued to hold the post of Additional District and Sessions Judge, Solan but for his proceeding on leave for the above period.

*Shimla-1, the 24/25th July, 2006*

No. HHC/Admn. 6 (23)/74-XIII-16272.—Hon'ble the Chief Justice in exercise of the powers vested in

him under rule 1.26 of H. P. Financial Rules, 1971, Volume-I, is pleased to declare the Civil Judge (Sr. Division)-cum-Additional Chief Judicial Magistrate (I), Kasauli as Drawing and Disbursing officer in respect of the Court of the Civil Judge (Jr. Division)-cum-JM (II), Kasauli and also the Controlling Officer for the purpose of T. A. etc. in respect of class-II, III and IV establishment attached to the aforesaid court under Head "2014—Administration of Justice" during the leave period of Shri Gaurav Sharma, Civil Judge (Jr. Division)-cum-JM (II), Kasauli with effect from 25-7-2006 to 8-8-2006, with permission to suffix gazetted holiday falling on 9-8-2006 or until he returns from leave.

*Shimla-1, the 25/27th July, 2006*

No. HHC/GAZ/14-259-2003-16496.—Hon'ble the Chief Justice is pleased to grant *ex-post-facto* extension of 5 days earned leave with effect from 8-7-2006 to 12-7-2006, in favour of Shri Anesh Garg, Civil Judge (Jr. Division)-cum-JMIC, (2) Palampur. This is in continuation to this Registry notification of even number dated 16/17-6-2006.

Certified that Shri Garg has joined the same post and at the same station from where he proceeds on leave after expiry of the above period of leave.

Also certified that Shri Garg would have continued to hold the post of Civil Judge (Jr. Division)-cum-JMIC (II), Palampur, but for his proceeding on leave for the above period.

By order,

Sd/-  
Registrar General.

*Shimla-1, the 26/27th July, 2006*

No. HHC/GAZ/14-38/74-IV-16505.—Hon'ble the Chief Justice is pleased to grant 9 days earned leave w. e. f. 28-7-2006 to 5-8-2006 with permission to suffix Sunday falling on 6-8-2006 in favour of Smt. Aruna Kapoor Registrar General, High Court of Himachal Pradesh.

Certified that Smt. Aruna Kapoor is likely to join the same post and at the same station from where she proceeds on leave, after expiry of the above period of leave.

Also certified that Smt. Aruna Kapoor would have continued to hold the post of Registrar General, High Court of Himachal Pradesh, Shimla but for her proceeding on leave for the above period.

By order,

Sd/-  
Registrar (Rules).

*Shimla-1, the 13th October, 2006*

No. HHC/Admn. 16 (7) 74-VIII-21939.—Hon'ble the Chief Justice, in exercise of the powers vested in him U/S 139(b) of the Code of Civil Procedure, 1908, U/S 297(b) of the Code of Criminal Procedure, 1973 and Rule 4(v) of the H. P. Oath Commissioners (Appointment & Control) Rule, 1996 is pleased to appoint Shri Manu Bharti, Advocate Palampur, as Oath Commissioner at Palampur, H. P. with immediate effect for a period of two years, for administering oaths and affirmations on affidavits to the deponents, under the aforesaid Codes and Rules.

*Shimla-171001, the 17th October, 2006*

No. HHC/GAZ 14-236/2006-22067.—Hon'ble the Chief Justice is pleased to grant *ex-post-facto* sanction of 6 days earned leave with effect from 25-9-2006 to 30-9-2006 with permission to prefix Sunday fell on 24-9-2006 and to suffix Sunday and Dussehra holiday fell on 1-10-2006 to 8-10-2006 in favour of Shri

NOTIFICATIONS

Shimla-171 001, the 1st August, 2006

Certified that Shri Vikrant Kumar has joined the same post and at the same station from where he proceeded on leave after expiry of the above period of leave.

Also certified that Shri Vikrant Kumar would have continued to hold the post of Civil Judge (Jr. Divn.)-cum-JM, (VI), Shimla, but for his proceeding on leave for the above period.

Shimla-1, the 17/18th October, 2006

No. HHC/Admn. 16 (22)75-III-22095.—Hon'ble the Chief Justice, in exercise of the powers vested in him U/s 139 (b) of the Code of Civil Procedure, 1908, U/s 297 (b) of the Code of Criminal Procedure, 1973 and Rule 4 (v) of the H. P. Oath Commissioners (Appointment and Control) Rules, 1996 is pleased to appoint Smt. Kavita Kashyap, Advocate, Nahan, District Sirmour as Oath Commissioner at Nahan, Himachal Pradesh for a period of two years, with effect from 25-10-2006 for administering oaths and affirmations on affidavits to the deponents, under the aforesaid Codes and Rules.

Shimla-171 001, the 17/18th October, 2006

No. HHC/Admn. 16 (13) 74-VI-22153.—Hon'ble the Chief Justice, in exercise of the powers vested in him U/s 139 (b) of the Code of Civil Procedure, 1908, U/s 297 (b) of the Code of Criminal Procedure, 1973 and Rule 4(v) of the H. P. Oath Commissioners (Appointment & Control) Rules, 1996 is pleased to appoint Ms. Saroj, Advocate, Theog as Oath Commissioners at Theog (H. P.) for a period of two years, with immediate effect, for administering oaths and affirmations on affidavits to the deponents, under the aforesaid Codes and Rules.

Shimla-171 001, the 18th October, 2006

No. HHC/Admn. 3(208)/84-II-22117.—8 days commuted leave on and with effect from 22-9-2006 to 29-9-2006 is hereby sanctioned *ex-post-facto* in favour of Shri Bhag Chand Sharma, Secretary of this Registry.

Certified that Shri Bhag Chand Sharma, has joined the same post and at the same station from where he had proceeded on leave after the expiry of the above leave period

Certified that Shri Bhag Chand Sharma, would have continued to hold the same post of Assistant Registrar but for his proceeding on leave.

Shimla-1, the 18th October, 2006

No. HHC/Admn. 3 (45)/74-III-22120.—23 days commuted leave w. e. f. 11-9-2006 to 3-10-2006 with permission to prefix Second Saturday and Sunday falling on 9th and 10th September, 2006 and suffix Dussehra holidays w. e. f. 4-10-2006 to 8-10-2006 is hereby sanctioned *ex-post-facto* in favour of Sh. D. R. Verma, Assistant Registrar of this Registry.

Certified that Sh. D. R. Verma, has joined the same post and at the same station from where he had proceeded on leave after the expiry of the above leave period.

Certified that Sh. D. R. Verma, would have continued to hold the post of Assistant Registrar but for his proceeding on leave.

By order,

Sd/-  
Registrar General.

No. 3-2/76-III-8838.—Sanction is hereby accorded to the grant of six days earned leave with effect from 31st July, 2006 to 5th August, 2006 in favour of Shri Lekh Raj, Private Secretary to the Advocate General, State of H. P. with permission to avail Sundays falling on 30th July, 2006 and 6th August, 2006.

Certified Shri Lekh Raj, Private Secretary to the Advocate General would have continued to officiate, but for his proceeding on 6 days earned leave and that this period of leave will count for earning annual increment.

Certified also that the said Shri Lekh Raj, Private Secretary to the Advocate General is likely, on the expiry of leave to return for duty to the station from where he proceeds on leave.

Shimla-1, the 14th September, 2006

No. 1-21/2003-10449.—Sanction is hereby accorded to the grant of 6 days earned leave with effect from 11th September to 16th September, 2006 in favour of Shri Vijay Thakur, Deputy Advocate General of this department with permission to avail Second Saturday and Sunday falling on 9th, 10th and 17th September, 2006.

Certified that Shri Vijay Thakur, Deputy Advocate General would have continued to officiate, but for his proceeding on 6 days earned leave and that this period of leave will count for continuation of his appointment.

Certified also that the said Shri Vijay Thakur, Deputy Advocate General is likely, on the expiry of leave to return for duty to the station from where he proceeded on leave.

Shimla-1, the 15th September, 2006

No. 3-2/75-IV-10525.—Sanction is hereby accorded to the grant of 11 days earned leave w. e. f. 13th September, 2006 to 23rd September, 2006 in favour of Shri Mahi Dev Sharma, Administrative Officer of this Department with permission to avail Sunday falling on 24th September, 2006.

Certified that Shri Mahi Dev Sharma, Administrative Officer would have continued to officiate, but for his proceeding on 11 days earned leave and that this period of leave will count for earning annual increment.

Certified also that the said Shri Mahi Dev Sharma, Administrative Officer is likely, on the expiry of leave to return for duty to the station from where he proceeds on leave.

Shimla-1, the 12th October, 2006

No. 1-21/2003-11513.—Sanction is hereby accorded to the grant of 6 days earned leave with effect from 12th to 17th October, 2006 in favour of Shri Vijay Thakur, Deputy Advocate General of this department.

Certified that Shri Vijay Thakur, Deputy Advocate General would have continued to officiate, but for his proceeding on 6 days earned leave and that this period of leave will count for continuation of his appointment.

Certified also that the said Shri Vijay Thakur, Deputy Advocate General is likely, on the expiry of leave to return for duty to the station from where he proceeds on leave.

Sd/-  
Advocate General (H. P.).

हिमाचल प्रदेश सरकार

PERSONNEL (A-I) DEPARTMENT

NOTIFICATION

Shimla-2, the 10th October, 2006

No. Per. (AP) AB (3)-15/2001.—The Governor, Himachal Pradesh is pleased to order that Shri R. A. Singh, IFS (H. P. : 71), shall retire from Government service on 31-1-2007 (A.N.) on attaining the age of superannuation.

By order,

Sd/-  
Chief Secretary.

ADMINISTRATIVE REFORMS ORGANISATION

NOTIFICATION

Shimla-2, the 30th September, 2006

No. Per. (AR) A (6)-5 90-Vol.-III.—Whereas the Government vide letter No. Per. (AP-II) A (4)-3/97 dated 19-3-1997 and 5-5-1997 had issued instructions on holding of monthly 'Efficiency on Administration' meetings and reiterated them in letter No. Per. (AR) A (6)-5/90 Vol. I, dated 1-1-2004.

And whereas Government constituted a Committee under the Chairmanship of Principal Secretary (AR) on 26-5-2006 to make its recommendations on improving the efficacy of such a mechanism.

And whereas the recommendations of this Committee were also discussed in the Committee of Secretaries.

Now, therefore, the Governor, Himachal Pradesh has decided to notify the following scheme for imparting 'Efficiency in Administration':—

1. At Secretariat level.—'Efficiency in Administration' shall be a quarterly review and should focus on outcomes and key indicators. Input parameters crucial to outcomes may be reviewed to pro-actively influence outcomes. One of the inputs to be reviewed would be the holding of 'Efficiency in Administration' meetings regularly at Directorate level and Secretariat level.

The following would be the main items discussed at Secretariat level :—

- (i) Review of outcomes/indicators determined in accordance with letter of Finance Department dated 3-4-2006.
- (ii) Budget Speech/C. M. Announcement
- (iii) Vidhan Sabha Committee Reports/Assurances
- (iv) Audit Paras, CAG Reports
- (v) Major Projects (review of milestones and achievement).
- (vi) Court/Tribunal Cases (Secretariat level)
- (vii) Disciplinary cases and Prosecution Sanction (Secretariat level).
- (viii) Updating R & P Rules, Seniority lists, ACR completion and DPC/Recruitment (Secretariat level).
- (ix) Plan Schemes, Budget & Expenditure and physical progress, TSP/BASP/SCP.
- (x) Setting of inspection Calendar and monitoring implementation.
- (xi) Implementation of RTI Act
- (xii) Measures to check corruption/inefficiency
- (xiii) Review of items emerging out of monthly 'Efficiency in Administration' meetings at Directorate level.

2. Directorate level.—'Efficiency in Administration' meetings shall be held monthly and should focus on systems and resources. Divisional Zonal Heads should be called to Directorate level meetings at least once a quarter. Deficiencies should be highlighted and matter referred to the Administrative Department where such reference was required, so that if necessary, it could be taken up in the Secretariat level 'Efficiency in Administration' meeting. (Deputy Commissioners would review the working of the Collectorate in the same manner as a Directorate).

The following would be the main items discussed.

- (i) Items at (i) to (xii) of Secretariat level
- (ii) Court cases (including Section 80 CPC notices and civil suits, Divisional Commissioners will review pendency of Revenue case work in districts).
- (iii) Audit Reports/Paras Draft paras
- (iv) Implementation of transfers
- (v) Inspections of offices and follow up
- (vi) Staff Association meetings (holding of meeting with Associations at Directorate level and action on decision of JCC).
- (vii) Disciplinary cases (Major Penalty)

3. District level.—'Efficiency in Administration' shall be Co-ordinated by Deputy Commissioner. Heads of Offices concerned should attend but, the main Agenda issues would be those set by the Administrative Department/HOD/ARO and the purpose of the meeting would be to ensure Co-ordination, synergy and uniformity of approach. Additional district-specific or urgent important issues may be taken up *suo-moto* by the Deputy Commissioner himself or on request of the District Head of Office. There would be two meetings, held in alternate months, one for 'regulatory' matters and the other for 'developmental' matters, as follows:—

- (a) District level 'Efficiency in Development Administration (EDA)' meeting will discuss:—
  - (i) Watershed development & Soil Conservation
  - (ii) Rainwater harvesting
  - (iii) Nutrition, Mid-day meal and ICDS
  - (iv) NREGA
  - (v) Tourism facilitation
  - (vi) Industry facilitation
  - (vii) Bharat Nirman (rural roads, rural housing, drinking water and minor irrigation).
  - (viii) 20 Point Programme
  - (ix) Additional issue included from time to time by the D. C. as per local requirement or communication from Administrative Department HOC/ARO etc.

The meeting would be attended by the senior Departmental functionary in the District, e. g. Conservator in the case of Forest Department and Superintending Engineer in case of PWD/UPH/HPSEB, if they are posted in the District.

- (b) District level 'Efficiency in Regulatory Administration (ERA)' meeting will discuss:—
  - (i) Encroachment removal/eviction and town planning enforcement.
  - (ii) Loan recovery.
  - (iii) Important Civil cases in District Courts and cases with high monetary value.
  - (iv) Important Land acquisition transfer cases.
  - (v) General law & order including traffic management and urban policing.

(vi) Public transport etc.

(x) Additional issues included from time to time by the D. C. as per local requirement or communication from Administrative Department, HOD ARO etc.

(vi) Disaster Management Plans.

The following issues will be discussed in both the meetings.—

(i) Regular holding of District level staff association meeting.

(ii) Implementation of Chief Minister's announcements.

(iii) Construction and maintenance of Govt. Offices.

(iv) Implementation of RTI Act (including management of District portals).

(v) Measures to check corruption inefficiency and non-punctuality.

(vi) Filling up of important functional vacancies.

(c) In addition Efficiency meeting at Head of Office level will discuss all items included at Directorate level.

4. The Officers to be invited for each of these District level meetings will be determined by the Deputy Commissioner on the basis of functional requirements in order for these Committee to work effectively. Development Departments is particular needed to be represented at sufficiently senior level i.e. Superintending Engineer in the case of PWD, IPH and HPSEB and Conservator in respect of Forest Department, in the Development meeting. As such in the EDA meeting the following would be the main participants:—

(i) ADM/ADC

(ii) Conservator Forests.

(iii) Dy. Director (Agr.) & Dy. Director (Hort.).

(iv) Project Officer (DRDA), District Panchayat Officer.

(v) District Tourism Officer, Youth Services & Sports Officer.

(vi) General Manager, DIC.

(vii) SE (PWD), SE (IPH), SE (HPSEB).

(viii) District Planning Officer.

(ix) CDPO & DWO.

In the ERA meeting, participants would comprise:—

(i) Superintendent of Police and District Attorney.

(ii) ADM, DRO.

(iii) RTO, G. M. HRTC.

(iv) Town Planner/ATP.

(v) C. M. O.

(vi) District Fire Officer.

(vii) DFSC, AM (HPCSC).

(viii) AETC.

(ix) Secretary (Nagar Panchayat and Municipal Committees).

The Deputy Commissioner may co-opt other District Level Officers as per local requirements, and may call special invitee in case discussion of an item requires their presence.

5. These being 'Efficiency in Administration' meetings, the focus should not be on targets and achievements but on coordination, enforcement of laws and policies, removal of bottlenecks and reduction in delays. As such the participating departments should bring up specific issues, requiring resolution either inter departmentally at local level or a district-specific issue, which needed to be taken up by the Deputy Commissioner with Government at the Administrative Secretary level directly. Administrative Secretaries may also suggest items from time to time to ARO for inclusion in these meetings, since the above-mentioned issues are only representative and not exhaustive.

By order,

S. S. PARMAR,  
Chief Secretary.

## AGRICULTURE DEPARTMENT

### NOTIFICATION

Shimla-2, the 12th October, 2006

No. Agr-B (5)-3/2004.—In partial modification of this Department Notification of even number, dated 5-9-2006, the Governor, Himachal Pradesh is pleased to order the adjustment of Shri Desh Raj, ADO in the Office of the Deputy Director, Agriculture, Bilaspur against vacant post.

By order,

Sd/-  
Secretary (Agri.).

## EDUCATION DEPARTMENT

### NOTIFICATIONS

Shimla-2, the 8th March, 2006

No. EDN-A-Kha (16)-10/95-Pt. III-Loose.—The Governor, Himachal Pradesh is pleased to order opening of new Government Colleges in the financial year 2006-07 at following places:—

Sl. No.	Place	District
1.	Haripur	Kullu
2.	Sangrah	Sirmaur

Shimla-2, the 27th March, 2006

No. EDN. A-Ja (1)-1/200.-L.—The Governor, Himachal Pradesh is pleased to order the upgradation of the Government High School, Averi, District Kangra to that of Government Senior Secondary School with immediate effect in the public interest.

The upgraded school will be made functional from the next academic session i.e. 2006-07. Further the upgradation of this school is subject to the condition that suitable accommodation will be provided by the local public, if required.

Shimla-2, the 31st March, 2006

No. EDN. A-Ja (1)-1/2005-L.—The Governor, Himachal Pradesh is pleased to order the upgradation

of the Government High School, Thalitu-Khor, District Mandi to that of Government Senior Secondary School with immediate effect in the public interest.

The upgraded school will be made functional from the next academic session i. e. 2006-07. Further the upgradation of this school is subject to the condition that suitable accommodation will be provided by the local public, if required.

(B-Section)

Shimla-2, the 1st April, 2006

No. Shiksha-II-Chha (5) 1/2004.—The Governor, Himachal Pradesh is pleased to order the upgradation of the following schools as per details given below:—

Name of District	Primary to Middle School	Middle to High School
Shimla		1. Lakadhar (Chirgaon)
Mandi	1. Kingus G. P. Kingus. 2. Lagsal G. P. Chohatigarh. 3. Kafangoon G. P. Kataula. 4. Rulang G. P. Lapas. 5. Thoratgalu G. P. Kadhar. 6. Sadla G. P. Katindi.	1. Tihri

The upgraded schools will be made functional from the next academic session. Further the upgradation of these schools is subject to the condition that suitable accommodation will be provided by the local public, if required.

Shimla-2, the 7th April, 2006

No. Shiksha-II-Chha (5) 1/2004.—The Governor, Himachal Pradesh is pleased to order the upgradation of Government Primary School, Nahi, District Kullu to that of Government Middle School with immediate effect in the public interest.

The above school shall be made functional from the next academic session. Further the upgradation of this school is subject to the condition that suitable accommodation will be provided by the local public if required.

Shimla-2, the 18th April, 2006

No. Shiksha-II-Chha (5) 1/2004.—The Governor, Himachal Pradesh is pleased to order the upgradation of the following schools as per details given below:—

Name of District	Primary to Middle School	Middle to High School
Mandi	1. Nagrota 2. Matyog 3. Chowki 4. Devi-Dadh	1. Silag

The upgraded schools will be made functional from next academic session. Further the upgradation of these schools is subject to the condition that suitable accommodation will be provided by the local public, if required.

Shimla-2, the 18th April, 2006

No. EDN-A-Ja(1)-1/2006.—The Governor, Himachal Pradesh is pleased to order the creation and filling up of 4/4 posts, both teaching and non-teaching staff in the following 36 newly upgraded Government Senior Secondary Schools from the current academic session i. e. 2006-07 in the public interest:—

- G S S S, Badaran, District Hamirpur.
- G S S S, Kulhera, District Hamirpur.
- G S S S, Jagatsukh, District Kullu.
- G S S S, Goura, District Solan.
- G S S S, Baggi, District Chamba.
- G S S S, Chunni, District Mandi.
- G S S S, Kangar, District Una.
- G S S S, Balibal, District Una.
- G S S S, Bethu, District Una.
- G S S S, Naohli, District Mandi.
- G S S S, Kot Snor, District Mandi.
- G S S S, Jawar, District Una.
- G S S S, Suri, District Una.
- G S S S, Basa-Bhalakh, District Una.
- G S S S, Ambehra Dheer, District Una.
- G S S S, Chowki Manyar, District Una.
- G S S S, Thill, District Kangra.
- G S S S, Dhupkiara, District Kangra.
- G S S S, Paisa, District Kangra.
- G S S S, Gahalian, District Kangra.
- G S S S, Rajal, District Kangra.
- G S S S, Kakriar, District Hamirpur.
- G S S S, Chamoan, District Hamirpur.
- G S S S, Mehla, District Hamirpur.
- G S S S, Jallari, District Hamirpur.
- G S S S, Kiarkoti, District Shimla.
- G S S S, Ghaar, District Kangra.
- G S S S, Jamta, District Sirmaur.
- G S S S, Panjahal, District Sirmaur.
- G S S S, Tambar, District Kangra.
- G S S S, Lahru, District Kangra.
- G S S S, Khotiar, District Kangra.
- G S S S, Matahani, District Hamirpur (upgraded direct from GMS to GSSS, Matahani).
- G S S S, Kot (Mandi Sadar), District Mandi.
- G S S S, Maseran, District Mandi.
- G S S S, Majholi Tipper, District Mandi.

2. The details of teaching and non-teaching staff created in the said schools are as under:—

Sl. No.	Creation of posts as per norms	Number of posts	Pay Scale
1.	Principal	1×36=36	10025—15000
2.	Lecturer	7×36=252	6400—10640
3.	Supdt. Grade-II	1×36=36	6400—10640
4.	Sr. Asstt.	1×36=36	5800—9200
5.	D P E	1×36=36	5480—8925
6.	Asstt. Librarian	1×36=36	4020—6200
7.	Peon	1×36=36	2620—4160
Total ..		468	

3. In addition to above, the Governor, Himachal Pradesh is further pleased to order the creation and filling up of the following 6 posts on GSSS, Matahani, District Hamirpur, which has been directly upgraded from Government Middle School to GSSS:—

Sl. No.	Creation of posts as per norms	Number of posts	Pay Scale
1.	TGT (Arts)	1	5480—8925
2.	TGT (Science)	1	5480—8925
3.	Language Teacher	1	5000—8100
4.	Lab. Attendant	1	3120—5160
5.	Clerk	1	3120—5160
6.	Peon	1	2520—4260
Total ..		6	

Shimla-2, the 18th April, 2006

No. EDN. A-Ja (1)-1/2006.—The Governor, Himachal Pradesh is pleased to order the upgradation of the following Government High Schools to that of Government Senior Secondary Schools with immediate effect in the public interest:—

1. Government High School, Ralha, District Mandi.
2. Government High School, Nag-Jubbar Dhar, District Shimla.

The upgraded schools will be made functional from the current academic session i. e. 2006-07. Further the upgradation of these schools is subject to the condition that suitable accommodation will be provided by the local public, if required.

Shimla-2, the 18th April, 2006

No. EDN. A-Ja (1)-1/2006.—The Governor, Himachal Pradesh is pleased to order the upgradation of the following Government High Schools to that of Government Senior Secondary Schools with immediate effect in the public interest:—

1. Government High School, Sui Surar, District Bilaspur.
2. Government High School, Behal, District Bilaspur.

The upgraded schools will be made functional from the current academic session i. e. 2006-07. Further the upgradation of these schools is subject to the condition that suitable accommodation will be provided by the local public, if required.

(B-Section)

Shimla-2, the 18th April, 2006

No. Shiksha-II-Chha (5) 1/2004.—The Governor, Himachal Pradesh is pleased to order the upgradation of the following schools as per details given below:—

Name of District	Primary to Middle School	Middle to High School
Sirmaur	1. Leo Kufer, G. P. Dibber. 2. Nohrti-Bhagot 3. Kharoti, G. P. Dingar.	1. Bhuira, G. P. Bhuira. 2. Mehendebag.
Bilaspur	1. Meoth, G. P. Tarwar. 2. Bag, G. P. Swahan 3. Nal, G. P. Tanbol.	1. Chhakoh 2. Sai Kharai.

The upgraded schools will be made functional from the next academic session. Further the upgradation of these schools is subject to the condition that suitable accommodation will be provided by the local public if required.

Shimla-2, the 21st April, 2006

No. EDN. A-Ja(1)-1/2006.—The Governor, Himachal Pradesh is pleased to order the upgradation of the Government High School, Gagat-Shikore, District Sirmaur to that of Government Senior Secondary School with immediate effect in the public interest.

The upgraded school will be made functional from the current academic session i. e. 2006-07. Further the upgradation of this school is subject to the condition that suitable accommodation will be provided by the local public, if required.

Shimla-2, the 24th April, 2006

No. EDN. A-Ja (1)-1/2005-L.—The Governor, Himachal Pradesh is pleased to order the upgradation of the Government High School, Ghaniara, District Kangra to that of Government Senior Secondary School with immediate effect in the public interest.

The upgraded school will be made functional from the next academic session i. e. 2006-07. Further the upgradation of this schools is subject to the condition that suitable accommodation will be provided by the local public, if required.

Shimla-2, the 29th April, 2006

No. EDN-A-Ja (1)-1/2003.—The Governor, Himachal Pradesh is pleased to order the re-naming of Government Senior Secondary School, Takleh, District Shimla as "Rajmata Shanti Devi Memorial Government Senior Secondary School" and Government Primary School, Sidhbari, District Kangra as "mit Thapa Government Primary School" with immediate effect in the public interest.

Shimla-2, the 29th April, 2006

No. Shiksha-II-Chha (5) 2/2006.—The Governor, Himachal Pradesh is pleased to order the upgradation of the following schools as per details given below:—

Name of District	Primary to Middle School	Middle to High School
Sirmaur	1. Kyarik, G. P. Koti-Dhiman. 2. Boharar, G. P. Koti Bonch. 3. Bhanra, G. P. Bherari. 4. Drabil, G. P. Khood-Dravil.	1. Rohanat
Solan	1. Jabal, G. P. Maan. 2. Jalana, G. P. Jalana. 3. Jubla, G. P. Kothi.	1. Ghanagughat 2. Beral

The upgraded schools will be made functional from the next academic session. Further the upgradation of these schools is subject to the condition that suitable accommodation will be provided by the local public, if required.

Shimla-2, the 1st May, 2006

No. EDN-A-Ja (1)-1/2005.—The Governor, Himachal Pradesh is pleased to order the upgradation of the following Government High Schools to that of Government Senior Secondary Schools with immediate effect in the public interest:—

1. Government High School, Jarwa-Juneli, District Sirmaur.
2. Government High School, Sangna, District Sirmaur.

The upgraded schools will be made functional from the current academic session i. e. 2006-07. Further the upgradation of these schools is subject to the condition that suitable accommodation will be provided by the local public, if required.

By order,

Principal Secretary (Edu.).

Shimla-2, the 5th May, 2006

No. EDN-A-Ka (4)-1/90.—In supersession of this Department Notifications of even number, dated the 30th

October, 2003 and 18th March, 2005, the Governor, Himachal Pradesh, is pleased to re-constitute the State Library Planning and Purchase Committee, as under:—

- |                                                                            |                       |
|----------------------------------------------------------------------------|-----------------------|
| 1. The Pr. Secretary (Edu.) to the Government of Himachal Pradesh.         | Chairman              |
| 2. The Director of Education, Himachal Pradesh Shimla-1.                   | Member                |
| 3. The Director of B. B. B. L. Foundation, Calcutta or his representative. | Member                |
| 4. Dr. A. K. Khan, 13/8 Housing Board Colony, Shogi (Shimla).              | Foundation's nominee. |
| 5. Librarian, Directorate of Education, Shimla-171001.                     | Member                |
| 6. Pradhan/Secretary, Himachal Pradesh Library Sangh.                      | Member                |
| 7. Librarian, State Library, Shimla, Himachal Pradesh.                     | Convener              |

This Committee will have a term of two years (from the date of issue this notification) and it shall meet at least twice in an academic year and functions of the Committee will be the same as notified vide this department Notification No. EDN-A-Ka (4)-1/90, dated the 30th October 2003.

By order.

P. MITRA,  
Pr. Secretary (Edu.).

(B-Section)

Shimla-2, the 8th May, 2006

No. Shiksha-II-Chha (5) 2/2006.—The Governor, Himachal Pradesh is pleased to order the upgradation of the following schools as per details given below:—

Name of District	Primary to Middle School	Middle to High School
—	—	1. Taroun
1. Borad, G. P. Koti Bonch.	—	—

It will be made functional from the next academic session i.e. 2005-07. Further the upgradation of these schools is subject to the condition that suitable accommodation will be provided by the local public, if required.

8th May, 2006

No. Shiksha-II-Chha (5) 2/2006.—The Governor, Himachal Pradesh is pleased to order the upgradation of the following schools as per details given below:—

- |                                            |                                           |                                           |
|--------------------------------------------|-------------------------------------------|-------------------------------------------|
| Govt. High School, Kot Bja, District Solan | Govt. High School, Pratha, District Solan | Govt. High School, Jabli, District Solan. |
|--------------------------------------------|-------------------------------------------|-------------------------------------------|

The upgradation of these schools will be made functional from the next academic session i.e. 2005-07. Further the upgradation of these schools is subject to the condition that suitable accommodation will be provided by the local public.

Shimla-2, the 8th May, 2006

No. Shiksha-II-Chha (5) 2/2006.—The Governor, Himachal Pradesh is pleased to order the upgradation of the following schools as per details given below:—

of the following schools as per details given below:—

Name of District	Primary to Middle School	Middle to High School
Hamirpur	—	1. Balyah
Mandi	—	1. Bandi G. P. Kasaur.
Solan	1. Shikha 2. Basail.	—
Chamba	1. Mankor at Davidshra 2. Sidul 3. Godhra.	1. Garota 2. Dhadu

The upgradation of these schools will be made functional from the next academic session. Further the upgradation of these schools is subject to the condition that suitable accommodation will be provided by the local public, if required.

Shimla-2, the 9th May, 2006

No. EDN-A-Ja (1)-1/2005.—The Governor, Himachal Pradesh is pleased to order the upgradation of the following Government High School, Government Middle School to that of Government Senior Secondary Schools with immediate effect in the public interest:—

- Government High School, Parbhod, District Chamba.
- Government High School, Khargitt, District Chamba.
- Government High School, Chhausa, District Solan.
- Government High School, Gugaghat, District Solan.
- Government Middle School, Nangal Khatla, District Una.
- Government High School, Throla, District Shimla.

The upgradation of these schools will be made functional from the current academic session i.e. 2005-07. Further the upgradation of these schools is subject to the condition that suitable accommodation will be provided by the local public, if required.

(B-Section)

Shimla-2, the 10th May, 2006

No. Shiksha-II-Chha (5) 2/2006.—The Governor, Himachal Pradesh is pleased to order the upgradation of the following schools as per details given below:—

Name of District	Primary to Middle School	Middle to High School
Shimla	1. Kotla (Tehsil Kumarsain).	—
Mandi	1. Ropa (Tehsil Thunag).	—
Solan	1. Kasauli Gaon 2. Kadon. 3. Neri Kalan.	1. Sanawar.

The upgradation of these schools will be made functional from the next academic session. Further the upgradation of these schools is subject to the condition that suitable accommodation will be provided by the local public, if required.



Shimla-2, the 17th May, 2006

No. Shiksha-II-Chha (5) 2/2006.—The Governor, Himachal Pradesh is pleased to order the upgradation of the following schools as per details given below:—

Name of District	Primary to Middle School	Middle to High School
Kullu	1. Soyul	1. Pichin

The above schools will be made functional from the next academic session. Further the upgradation of these schools is subject to the condition that suitable accommodation will be provided by the local public, if required.

Shimla-2, the 17th May, 2006

No. EDN-C-3 (12)-1/03.—The Governor, Himachal Pradesh is pleased to constitute committee for conducting interviews for selection of candidates for 2 Years JBT Training Course in DIETs for each District of the State as under:—

1. Deputy Commissioner .. Chairman
2. Deputy Director, Elementary Education .. Member
3. Principal, DIET .. Member

By order,

P. MITRA,  
Pr. Secretary (Edu.).

Shimla-2, the 20th May, 2006

No. EDN. A-Ja (1)-1/2005.—The Governor, Himachal Pradesh is pleased to order the upgradation of the following Government High Schools/Government Middle School to that of Government Senior Secondary Schools with immediate effect in the public interest:—

1. Government High School, Dhar, District Mandi.
2. Government High School, Tandu, District Mandi.

The upgraded schools will be made functional from the current academic session, i.e. 2006-07. Further the upgradation of these schools is subject to the condition that suitable accommodation will be provided by the local public, if required.

Shimla-2, the 22nd May, 2006

No. Shiksha-II-Chha (5) 2/2006.—The Governor, Himachal Pradesh is pleased to order the upgradation of Government Primary School, Kashlog, Tehsil Arki, District Solan to that of Government High School with immediate effect in the public interest.

The above school shall be made functional from the next academic session. Further the upgradation of this school is subject to the condition that suitable accommodation will be provided by the local public, if required.

(B-Section)

Shimla-2, the 22nd May, 2006

No. Shiksha-II-Chha (5) 2/2006.—The Governor, Himachal Pradesh is pleased to order the upgradation

of the following schools as per details given below:—

Name of District	Primary to Middle School	Middle to High School
Shimla	1. Manghara, Tehsil Chingmai.	1. Maal Koti, 2. Bighat
Solan	2. Buthalung.	1. Loharghat 2. Buthalung
Sirmaur	1. Agro 2. Gangroli 3. Dighi 4. Big Habra	
Mandi	1. Chalani	

The upgraded schools will be made functional from the next academic session. Further the upgradation of these schools is subject to the condition that suitable accommodation will be provided by the local public, if required.

Shimla-2, the 22nd May, 2006

No. EDN. A-Ja (1)-1/2006.—The Governor, Himachal Pradesh is pleased to order the upgradation of the following Government High School/Government Middle School to that of Government Senior Secondary Schools with immediate effect in the public interest:—

1. Government High School, Bandli Ohadus, District Sirmaur.
2. Government High School, Banaur, District Sirmaur.
3. Government Middle School, Bahata Kur District Sirmala.

The upgraded schools will be made functional from the current academic session, i.e. 2006-07. Further the upgradation of these schools is subject to the condition that suitable accommodation will be provided by the local public, if required.

(B-Section)

Shimla-2, the 22nd May, 2006

No. Shiksha-II-Chha (5) 2/2006.—The Governor, Himachal Pradesh is pleased to order the upgradation of the following schools as per details given below:—

Name of District	Primary to Middle School
Mandi	1. Chidamti

The upgraded schools will be made functional from the next academic session. Further the upgradation of these schools is subject to the condition that suitable accommodation will be provided by the local public, if required.

Principal Sd/-  
ary (Edu.).



## उच्चतर शिक्षा विभाग

## HIGHER EDUCATION DEPARTMENT

## अधिसूचना

## CORRIGENDUM

शिमला-2, 10 अक्टूबर, 2006

Shimla-2, the 13th October, 2006

संख्या शिमा-11-ग(1)-7/2006.—यह हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को कारी व्यय पर सार्वजनिक प्रयोजन हेतु नामतः गांव/मोडा उप-महाल शिमला, परगना व तहसील रामपुर, जिला शिमला में रात्रकीय उच्च विद्यालय, शिमला के खेल मैदान के निर्माण हेतु भूमि अर्जित करनी प्रेषित है। अतएव एतद्वारा यह अधिसूचित किया जाता है कि उक्त परिसर में जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अर्जन अर्पणित है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को, जो इससे सम्बन्धित हो सकते हैं, की जानकारी के लिए भूमि अर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों, उनके कर्मचारियों और श्रमिकों को इसका को किसी भी भूमि में प्रवेश करने और सर्वेक्षण करने तथा उन द्वारा अर्पणित श्रयवा अनुमत अन्य सभी कार्यों को करने के लिए महर्ष प्राधिकार देते हैं।

4. कोई भी हितवद्ध व्यक्ति, जिसे उक्त परिसर में कथित भूमि के अर्जन पर कोई आपत्ति हो, तो वह इस अधिसूचना के प्रकाशन होने के तीस (30) दिन की अवधि के भीतर लिखित रूप में भू-अर्जन समझौता, तहसील रामपुर, जिला शिमला के समक्ष अपनी आपत्ति दायर कर सकता है।

## विस्तृत विवरणी

जिला : शिमला

तहसील : रामपुर

गांव	खसरा नं०	क्षेत्र (हेक्टेयर में)
1	2	3
मोडा/उप-महाल शिमला	2268	0 07 46
	2273	0 10 12
	2293	0 08 51
	2294	0 08 21
	2274	0 07 53
	2283	0 04 20
	2269	0 13 21
	2284	0 22 91
	2285	0 09 37
	2277	0 07 77
	2278	0 05 72
	2276	0 07 16
	2272	0 07 04
	2279	0 15 19
	2290	0 11 03
	2286	0 05 12
	2289	0 03 56
	2287	0 04 98
	2275	0 07 22
	2286	0 05 24
कुल	20	1 71 55

यादव द्वारा,

हस्ताक्षरित/  
प्रधान सचिव।

By order,

Sd/-  
Principal Secretary (HE).

## FOREST DEPARTMENT

## NOTIFICATION

Shimla-171 002, the 17th October, 2006

No. Fts. I(B)3-5/97.—In partial modification of this department notification No. FFE-A (B)6-1/2006 dated 31-8-2006, the Governor, Himachal Pradesh is pleased to order transfer and posting of Shri Anil Thakur, IFS, DM, SFC, Kullu as DFO Rohru with immediate effect in the public interest.

The Governor, Himachal Pradesh is further pleased to order that transfer and posting order of Shri Rajesh J. Ekka, IFS, DM, FWD, Shimla under transfer as DFO, Rohru issued vide this department notification No. FFE-A(B)6-1/2006, date 31-8-2006, will be issued separately.

The above officer shall relinquish his charge and assume new assignment under intimation to this department.

By order,

Sd/-  
Principal Secretary.HOME DEPARTMENT  
(Section-D)

## NOTIFICATIONS

Shimla-2, the 16th October, 2006

No. Home-D (B-1)-38/71-III.—The Governor, Himachal Pradesh is pleased to order the posting of Shri Agnihotri Sonal Mohan, IFS (RR-2004) on completion of his probation period as Assistant Superintendent of Police, Kangra, with immediate effect in public interest.

By order,

Sd/-  
Chief Secretary.

Shimla-2, the 17th October, 2006

No. Home-D (B-3)-61/78 Part file (Part-II).—The Government of Himachal Pradesh, regrets to announce the sudden death of Shri G. C. Kaushal, IFS (HP-77) who passed away on 4-10-2006.

S. PARMAR,  
Chief Secretary.

## IRRIGATION AND PUBLIC HEALTH DEPARTMENT

## NOTIFICATION

Shimla-2, the 19th October, 2006

No. IPH (A)2(B)15-1/2004.—The Governor, Himachal Pradesh regrets to announce the sad demise of Shri J. S. Bedi, Executive Engineer, P&I Unit-II, IPH Hq. Shimla-9, on 3-10-2006.

By order,

RAJWANT SANDHU,  
Principal Secretary.

बहुदेशीय परियोजनाएं एवं विद्युत विभाग

अधिसूचनाएं

शिमला-2, 12 अक्टूबर, 2006

संख्या विद्युत-छ-(5)-4/2005.—यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश राज्य विद्युत बोर्ड, जो कि भूमि अर्जन अधिनियम, 1894 (1894 का पहला अधिनियम) की धारा 3 के खण्ड (सी० सी०) के अन्तर्गत सरकार के स्वामित्व और नियन्त्रण के अधीन एक निगम है, के द्वारा अपने व्यय पर सार्वजनिक प्रयोजन हेतु नामतः गांव काशंग गेतिट्टे, रागुरा तथा पांगीखास, तहसील कल्या, जिला किन्नोर (हि० प्र०) में काशंग जल विद्युत परियोजना की सड़क, कलौती व बेयर साईट के निर्माण हेतु भूमि अर्जित करनी अतिआवश्यक प्रपेक्षित है। अतएव एतद्वारा यह अधिसूचित किया जाता है कि उक्त परिक्षेत्र में जैसा कि नीचे विवरणी में निर्दिष्ट किया गया है उपरोक्त प्रयोजन के लिए भूमि का अर्जन प्रपेक्षित है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को, जो इससे सम्बन्धित है या हो सकते हैं, की जानकारी के लिए भू-अर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्यपाल, हिमाचल प्रदेश इस समय दिये उपक्रम में कार्यरत अधिकारियों, उनके कर्मचारियों और श्रमिकों को इलाके की किसी भी भूमि में प्रवेश करने और सर्वेक्षण करने और उस धारा द्वारा प्रपेक्षित श्रमदा अनुमत सभी अन्य कार्यों को करने के लिए सहर्ष प्राधिकार देते हैं।

4. अत्याधिक आवश्यकता को दृष्टि में रखते हुए राज्यपाल, हिमाचल प्रदेश उक्त अधिनियम की धारा 17 की उप-धारा (4) के अधीन यह भी निर्देश देते हैं कि उक्त अधिनियम की धारा 5-ए के उपबन्ध इस मामले में लागू नहीं होंगे।

5. भूमि से सम्बन्धित रेखांक का निरीक्षण कार्यालय भू-अर्जन समाह्वती, हिमाचल प्रदेश राज्य विद्युत बोर्ड, विसिल बँक भवन, शिमला-3 में किया जा सकता है।

विवरणी

जिता : किन्नोर

तहसील : कल्या

गांव	रकबा (हेक्टेयर में)	रकबा (हेक्टेयर में)
1	2	3
काशंग गेतिट्टे	239	0 02 47
	241	0 14 34
	240	0 05 88
	258	0 26 25
	259	0 21 61
	260	0 03 77

1	2	3
261	0 08 76	
262	0 03 54	
265/3	0 30 37	
266	0 01 17	
272	0 06 85	
305	0 09 30	
267/2	0 18 35	
268	0 03 9	
301	0 00 95	
269	0 05 51	
270	0 03 56	
271	0 04 48	
273/3	0 07 48	
273/4	0 07 41	
277	0 01 78	
278/3	0 22 01	
300/2	0 09 3	
302	0 03 09	
303	0 14 93	
309/2	0 12 46	
304	0 17 7	
306	0 04 2	
307	0 12 94	
308	0 03 50	
252/2	0 04 10	
251/2	0 08 57	
254/2	0 06 54	
278/2	0 00 60	

किता .. 34 3 10 28

रागुरा

110/2	0 00 58
109/2	0 01 26
114/2	0 00 46
175/1	0 00 20
176/1	0 10 61
162/1	0 02 94

किता .. 6 0 16 05

पांगी खास

729/2	0 02 94
730/1	0 00 80
734/2	0 00 54
736/1	0 00 44
872/2	0 31 85
616/1	0 03 13

किता .. 6 0 39 70

कुल किता .. 46 3 66 03

शिमला-2, 12 अक्टूबर, 2006

संख्या विद्युत-छ-(5)-1/2006.—यतः राज्यपाल, हिमाचल प्रदेश को यह प्रतीत होता है कि नेशनल यमन पावर कारपोरेशन, जो कि भूमि अर्जन अधिनियम, 1894 (1894 का पहला अधिनियम) की धारा 3 के खण्ड (सी० सी०) के अन्तर्गत केन्द्रीय सरकार के स्वामित्व और नियन्त्रण के अधीन एक निगम है, के द्वारा अपने व्यय पर सार्वजनिक प्रयोजन हेतु नामतः मुहाल पञ्जार, तहसील अर्की, जिला सोलन में कोल बाघ जल विद्युत परियोजना के निर्माण हेतु भूमि अर्जित करनी प्रपेक्षित है। अतएव एतद्वारा यह अधिसूचित किया जाता है कि उक्त परिक्षेत्र में जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अर्जन प्रपेक्षित है।

2. भूमि अर्जन अधिनियम, 1894 की धारा 6 के उपबन्धों के अधीन इससे सम्बन्धित सभी व्यक्तियों की सूचना हेतु घोषणा की जाती है और उक्त अधिनियम की धारा 7 के उपबन्धों के अधीन

भू-अर्जन समाह्वी एवं उप-मण्डलाधिकारी (नागरिक), विलासपुर, जिला विलासपुर, हिमाचल प्रदेश को उक्त भूमि के अर्जन के लिए आदेश देने का एतद्वारा निर्देश दिया जाता है।

3. इसके प्रतिरिक्त उक्त अधिनियम की धारा 17 की उप-धारा 1 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए हिमाचल प्रदेश के राज्यपाल यह निर्देश देते हैं कि अत्याधिक आवश्यक मामला होने के कारण भू-अर्जन समाह्वी एवं उप-मण्डलाधिकारी (नागरिक), विलासपुर, जिला विलासपुर, हिमाचल प्रदेश उक्त अधिनियम की धारा 9 की उप-धारा 1 के अधीन नोटिस के प्रकाशन से 15 दिन की अवधि समाप्त होने पर पंचाट देने से पूर्व भूमि का कब्जा ले सकते हैं।

4. भूमि के रेखांक का निरीक्षण भू-अर्जन समाह्वी एवं उप-मण्डलाधिकारी (नागरिक), विलासपुर, जिला विलासपुर, हिमाचल प्रदेश के कार्यालय में किया जा सकता है।

#### विवरण

जिला : सोलन		तहसील : अर्को
गांव	खसरा नं०	रकबा (वीरों में)
1	2	3
पडवार	247/11	0 6
	248/11	0 2
	249/11	1 0
	250/11	0 4
	21/2/1	0 19
	37/2	1 10
	43	0 1
	44	0 3
कुल किता	8	4 5

आदेश द्वारा,

हस्ताक्षरित/  
प्रधान सचिव।

#### लोक निर्माण विभाग

#### अधिसूचनाएं

शिमला-2, 6 अक्टूबर, 2006

संख्या पी० बी० डब्ल्यू० (बी०) ए०-7 (1) 27/2006.—यस: हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को सरकारी व्यय पर सार्वजनिक प्रयोजन हेतु नामन: गांव नण्डला, तहसील चडगांव, जिला शिमला में बडियारा-नण्डला-मंधारा समूह सड़क के निर्माण हेतु भूमि अर्जित करनी अपेक्षित है। अतएव एतद्वारा यह घोषित किया जाता है कि निम्नांकित विवरणों में वर्णित भूमि उपर्युक्त प्रयोजन के लिए अपेक्षित है।

2. यह घोषणा, भूमि अर्जन अधिनियम, 1894 की धारा 6 के उपबन्धों के अधीन इससे सम्बन्धित सभी व्यक्तियों की सूचना हेतु की जाती है तथा उक्त अधिनियम की धारा 7 के अधीन भू-अर्जन समाह्वी, लोक निर्माण विभाग, द० क्षेत्र, शिमला-3 को उक्त भूमि के अर्जन करने के आदेश देने का एतद्वारा निर्देश दिया जाता है।

3. इसके प्रतिरिक्त उक्त अधिनियम की धारा 17 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए हिमाचल प्रदेश के राज्यपाल यह निर्देश देते हैं कि अत्याधिक मामला होने के कारण भू-अर्जन समाह्वी, लोक निर्माण विभाग, विक्टर फील्ड, शिमला-3 उक्त अधिनियम की धारा 9 की उप-धारा (1) के अधीन सूचना के आदेश के 15 दिन की अवधि समाप्त होने पर पंचाट देने से पूर्व भूमि का कब्जा ले सकते हैं।

4. भूमि रेखांक का निरीक्षण भू-अर्जन समाह्वी, लोक निर्माण विभाग, द० क्षेत्र, शिमला-3 के कार्यालय में किया जा सकता है।

जिला : शिमला		तहसील : चदगांव
गांव	खसरा नं०	क्षेत्र (इक्वियर में)
नण्डला	826/1	0 03 16
	827/1	0 02 35
किता	2	0 05 51

शिमला-2, 11 अक्टूबर, 2006

संख्या पी० बी० डब्ल्यू० (बी०) ए०-7 (1) 1-127/2005. यस: हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को सरकारी व्यय पर सार्वजनिक प्रयोजन हेतु गांव खालटू, उप-तहसील कृष्णगढ़, जिला सोलन में शालाघाट-कुनिहार-वरोटावाला सड़क के निर्माण हेतु भूमि अर्जित करनी अपेक्षित है। अतएव एतद्वारा यह घोषित किया जाता है कि निम्नांकित विवरणों में वर्णित भूमि उपर्युक्त प्रयोजन के लिए अपेक्षित है।

2. यह घोषणा, भूमि अर्जन अधिनियम, 1894 की धारा 6 के उपबन्धों के अधीन इससे सम्बन्धित सभी व्यक्तियों की सूचना हेतु की जाती है तथा उक्त अधिनियम की धारा 7 के अधीन भू-अर्जन समाह्वी, लोक निर्माण विभाग, शिमला को उक्त भूमि के अर्जन करने के आदेश देने का एतद्वारा निर्देश दिया जाता है।

3. भूमि रेखांक का निरीक्षण भू-अर्जन समाह्वी, लोक निर्माण विभाग, दक्षिण क्षेत्र, शिमला के कार्यालय में किया जा सकता है।

जिला : सोलन		उप-तहसील : कृष्णगढ़
गांव	खसरा नं०	क्षेत्र (वीरों में)
1	2	3
खालटू	233/178/1	0 04 09
	228/217/178/1	0 11 14
	226/177/1	0 10 02
	201/1	0 02 16
	213/177/1	0 14 14
	216/178/1	0 09 12
	113/1	0 16 05
	114/1	0 13 12
	143/1	1 03 04
	248/197/1	0 15 19
किता	10	6 02 07

आदेश द्वारा,

हस्ताक्षरित/  
प्रधान सचिव।

#### SOCIAL JUSTICE AND EMPOWERMENT DEPARTMENT

#### NOTIFICATIONS

Shimla-2, the 28th September, 2006

No. SJE-F (2)-1-2006.—The Governor, Himachal Pradesh is pleased to notify an Integrated Scheme for Children in need of Care, Protection and Rehabilitation titled as "MUKHYA MANTRI BAL UDHHAR YOJANA" with immediate effect to be implemented in all Bal Balika Ashrams being run by the Deptt. of Social Justice & Empowerment, H.P.

State Council for Child Welfare and other NGOs as per Annexure-A-E.

हिमाचल प्रदेश विधान सभा सचिवालय

2. The compliance of the provisions of the aforesaid scheme shall be binding on the aforesaid institutions.

अधिसूचनाएं

शिमला-4, 23 अक्टूबर, 2006

\* The above scheme shall supersede the following schemes/Rules, notified vide notifications given as under :—

Notification No.  
and date

1. H. P. Maintenance of Residential Institutions Rules, 1985. No. Kalyan-E (3)-1/85, dated 18-8-1936.
2. H. P. Grant of Rehabilitation Assistance to the inmates of State Home/Bal Ashram Rules, 2004. No. Kalyan-Ga (10)-15-7-2004, dated 6/82-II.
3. H. P. After care services to the inmates of Institutions (Welfare Dept.) Rules, 1991. No. Kalyan-Ga (10)-10/83, dated 19-8-1994.
4. This will come into force from the date of its publication in the Gazette of Himachal Pradesh.

Shimla-2, the 6th October, 2006

No. SJE-B(6) 1/2004-Loose.—The Governor, Himachal Pradesh is pleased to cancel the transfer of Sh. Om Prakash, CDPO, ICDS Project Panchrukhi to ICDS Project Theog, in public interest.

Shimla-2, the 13th October, 2006

No. WLF-B/2/6/2000.—The Governor, Himachal Pradesh is pleased to order the retirement of the following officers of the Social Justice and Empowerment Department on attaining the age of superannuation on the dates mentioned against their names:—

Sl. No.	Name of officer and Designation	Date of Retirement
1	Shri Mela Ram Verma, CDPO	28-2-2007
2	Smt. Jiwan Lata, CDPO	30-4-2007
3	Shri Jagdev Chand, CDPO	31-8-2007

By order,

Sd/-  
Pr. Secretary.

By order,

Sd/-  
Principal Secretary.

भाग 2—वेद्यनिक नियमों को छोड़कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि

OFFICE OF THE ASSISTANT REGISTRAR,  
CO-OPERATIVE SOCIETIES, SHIMLA-1

OFFICE ORDERS

Shimla-1, the 30th September, 2006

No. 3-60/04-Coop. (U/L)-2777.—Whereas the Dharampur C. M. P. Society Ltd., Dharampur, Tehsil Theog, District Shimla, Himachal Pradesh was put under liquidation vide this office order No. 536-42 dated 14-2-2003.

And whereas the managing committee of the above society has requested vide resolution No. 4 dated 3-5-2006 for revival of the society and desired to work as the management has arranged funds for the purpose.

In view of the position mentioned above, I, B. N. Sharma, Assistant Registrar, Co-operative Societies, Shimla, District Shimla in exercise of the powers vested in me under section 83(1) of the Himachal Pradesh Co-operative Societies Act, 1968 (Act No. 3 of 1969) do hereby order the cancellation of above referred order of winding up of the Society.

हिमाचल प्रदेश विधान सभा सचिवालय

अधिसूचनाएं

शिमला-4, 23 अक्टूबर, 2006

संख्या वि० स०/स्वा/सेवा० नि० 6-30/80.—प्रध्यक्ष महोदय, हिमाचल प्रदेश विधान सभा, सहर्ष आदेश देते हैं कि मुख्य सिंह खत्री, संयुक्त सचिव, हिमाचल प्रदेश विधान सभा सचिवालय, सेवानिवृत्ति की श्राव्य पूर्ण होने पर दिनांक 31-5-2007 (अपरान्ह) को एफ० आर० 56 के उपबन्धों के अन्तर्गत सेवा निवृत्त होंगे।

शिमला-4, 23 अक्टूबर, 2006

संख्या वि० स०/स्वा/सेवा० नि० 6-30/80.—प्रध्यक्ष महोदय, हिमाचल प्रदेश विधान सभा, सहर्ष आदेश देते हैं कि श्री राम नाथ शर्मा, अनुमान अधिकारी, हिमाचल प्रदेश विधान सभा सचिवालय, सेवानिवृत्ति की श्राव्य पूर्ण होने पर दिनांक 30-4-2007 (अपरान्ह) को एफ० आर० 56 के उपबन्धों के अन्तर्गत सेवा निवृत्त होंगे।

सचिव,

हि० प्र० विधान सभा।

YOUTH SERVICES & SPORTS DEPARTMENT

NOTIFICATION

Shimla-2, the 12th October, 2006

No. YSS-B (3)-4 2000.—On the recommendations of the Departmental Promotion Committee, the Governor, Himachal Pradesh is pleased to promote Smt. Suman Ravat Mehta, Deputy Director, Youth Services & Sports as Joint Director (Sports), (Class-I, Gazetted) in the pay scale of Rs. 10025—15100 in the Department of Youth Services & Sports, Himachal Pradesh on regular basis with immediate effect, and to post her in the Directorate of Youth Services & Sports (Himachal Pradesh).

She will remain on probation for the period of two years from the date of issue of this notification.

शिमला, 6 अक्टूबर, 2006

संख्या 6-103/95-कूप-2824-30.—दी स्टावेरो हिल्ज भवन निर्माण सहकारी सभा सीमित, शिमला, जिला शिमला, हिमाचल प्रदेश का पंजीयन हिमाचल प्रदेश सहकारी सभाएं, अधिनियम, 1968 की धारा 4 के अन्तर्गत संख्या 525, दिनांक 5-6-1990 को किया गया था। सभा का गठन जिन उद्देश्यों की पूर्ति के लिए किया गया था सभा उन उद्देश्यों को पूरा करने में असफल रही।

यह कि सभा का कार्य सहकारी सभाएं अधिनियम, नियम, व उप-नियम के अन्तर्गत नहीं चल रहा था इसलिए निरीक्षक, सहकारी सभाएं, शिमला ने इस सभा को उक्त कारणों को ध्यान में रखते हुए विघटन में डालने को सिफारिश की थी जिसकी निरन्तरता में सभा को इस कार्यालय प्रादेश संख्या 5931-38 दिनांक 19-8-1995 के अन्तर्गत विघटन में लाया गया।

यह कि सभा का तात्कालिक अंशेक्षण हो चुका है, जि अनुसार सभा का दायित्व शून्य हो चुका है तथा विघटन विघटन की अन्तिम रिपोर्ट इस कार्यालय को प्रेषित क

है तथा सभा का पंजीयन रद्द करने की सिफारिश की है।

अतः मैं, बी० एन० शर्मा सहायक पंजीयक, सहकारी समायें, शिमला, जिला शिमला, हिमाचल प्रदेश सहकारी समायें अधिनियम 1968 की धारा 93(2) में प्रदत्त पंजीयक, सहकारी समायें, हिमाचल प्रदेश की जमितियों का प्रयोग करते हुए उक्त सभा का पंजीयन रद्द करने का आदेश देता हूँ तथा हिमाचल प्रदेश

सहकारी समायें नियम, 1971 के नियम 118 के अन्तर्गत उक्त सभा के मान्यता रिकार्ड को खोलने की कार्यवाही में जम करने का आदेश देता हूँ।

बी० एन० शर्मा,  
सहायक पंजीयक,  
सहकारी समायें, शिमला।

भाग-3 अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल हिमाचल प्रदेश हाईकोर्ट, फाईनेन्शियल कमिशनर तथा कमिशनर ग्राफ इन्कम टैक्स द्वारा अधिसूचित आदेश इ. वे।

## SOCIAL JUSTICE AND EMPOWERMENT DEPARTMENT

### NOTIFICATION

Shimla-2, the 6th October, 2006

No. SJE-F (10)-12/2006.—The Governor of Himachal Pradesh is pleased to amend the Himachal Pradesh State Commission for Backward Classes Order, 1993, notified vide this Department notification No. Kalyan-Ch (10)-6/90-III, dated 30-9-1993 as under:—

1. Short title and commencement.—This order may be called the H. P. State Commission for Backward Classes (First Amendment) Order, 2006.

2. The Order shall come into force from the date of publication in Official Gazette.

Amendment in Para 3.—Para 3(3)(c) shall be substituted as under:—

"Additional Secretary, H. P. State Commission for Backward Classes will also act as Member Secretary of the Commission".

By order,

BHIM SEN,  
Principal Secretary.

भाग-4 प्रांतीय स्वायत्त शासन, म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाईड और ग्रांट एरिया तथा पंचायती राज विभाग

-ग्राम-

### भाग 5—वैयक्तिक अधिसूचनावं और विज्ञापन

ब अदालत श्री प्रताप सिंह ठाकुर, कार्यकारी दण्डाधिकारी एवं तहसीलदार, भटियात चुवाड़ी, जिला चम्पा, हिमाचल प्रदेश

ब अदालत श्री सलीम मुहम्मद, सहायक समाह्वी द्वितीय, भेई, जिला चम्पा, हिमाचल प्रदेश

श्री माली पुत्र श्री धर्म, ग्राम हन्डड़ा, डा० होवार, तहसील भटियात चुवाड़ी, जिला चम्पा (हि० प्र०)

श्री चिन्त राम पुत्र श्री विन्त, गांव बडपूरी, परगना व उप-तहसील भेई, जिला चम्पा, हिमाचल प्रदेश।

बनाम

बनाम

ग्राम जनता

प्रतिवादी।

ग्राम अनुवा

विषय.—प्रायना-पत्र जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

विषय.—प्रायना-पत्र नाम दस्तवी वारे।

उपरोक्त प्राचीन ने अग्रोहस्ताक्षरी की अदालत में प्रायना-पत्र मय न्याय हलिका इस आधार से गुजारा है कि मेरा लड़का जिसका नाम पंकज कुमार है तथा उसका जन्म दिनांक 30-9-2001 को हुआ है यानि जन्म तिथि 30-9-2001 है, जो कि ग्राम पंचायत होवार के रिकार्ड में दर्ज नहीं है। अतः अब दर्ज किया जावे।

इस सम्बन्ध में सर्वसाधारण को बजरिया इस्तहार सूचित किया जाता है कि पंकज कुमार पुत्र श्री माली, ग्राम हन्डड़ा, डा० होवार, तहसील भटियात चुवाड़ी, जिला चम्पा का नाम पंचायत के परिवार रजिस्टर में दर्ज करने तथा जन्म तिथि 30-9-2001 को दर्ज करने हेतु यदि किसी ग्राम व खान को कोई उजर व एतराज हो तो वह असावधान या बकावतन अग्रोहस्ताक्षरी के न्यायालय में हाजिर होकर दिनांक 16-11-2006 को अपना उजर व एतराज दर्ज करवा सकता है। हाजर न आने की सूत्र में कोई उजर बकावत समाप्त न होगा तथा उक्त पंकज कुमार का नाम व जन्म तिथि दर्ज करने के आदेश पारित कर दिये जाएंगे।

आज दिनांक 18-10-2006 को हमारे हस्ताक्षर एवं मोहर अदालत से जारी हुआ।

प्राचीन श्री चिन्त राम पुत्र श्री विन्त, निवासी गांव बडपूरी, मुहाल बाहुंगल, परगना व उप-तहसील भेई, जिला चम्पा, हिमाचल प्रदेश में एक प्रायना-पत्र इस अदालत में प्रस्तुत करते हुए निवेदन किया है कि उसका नाम राजस्व कागजात माल में बिलो दर्ज किया गया है जबकि उसका सही नाम राम पंचायत रिकार्ड में चिन्त राम दर्ज है इसकी पुष्टि हेतु प्राचीन ने अपने न्याय हलिका, व नकल मखिखार रजिस्टर, सलम प्रस्तुत कर रखी है। जिसे राजस्व रिकार्ड में चिन्त राम दर्ज किया जाए।

अतः इस इस्तहार द्वारा हर ग्राम व खान को सूचित किया जाता है कि यदि किसी को उक्त नाम दस्तुत करने वारे कोई उजर/एतराज हो तो वह दिनांक 9-11-2006 को असावधान या बकावतन हाजिर होकर अपना एतराज/उजर पेज कर सकता है। इसके उपरान्त कोई एतराज/उजर नहीं सुना जाएगा और प्रायना-पत्र का निपटारा नियमानुसार कर दिया जाएगा।

आज दिनांक 19-10-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

प्रताप सिंह ठाकुर,  
कार्यकारी दण्डाधिकारी,  
भटियात चुवाड़ी, जिला चम्पा (हि० प्र०)।

मोहर।

सलीम मुहम्मद,  
सहायक समाह्वी द्वितीय, भेई,  
जिला चम्पा, हिमाचल प्रदेश।

व अदालत श्री धार0 के0 प्रधी, मैरिज आफिसर एवं उप-मण्डल दण्डाधिकारी, हमीरपुर, जिला हमीरपुर, हिमाचल प्रदेश

1. श्री सुनील दत्त शर्मा उम्र 35 वर्ष, सुपुत्री श्री राम लाल शर्मा, गांव धनोटा, तप्पा उग्याल्ला, तहसील व जिला हमीरपुर, हिमाचल प्रदेश।

2. श्रीमती रंजना कुमारी उम्र 25 वर्ष, सुपुत्री श्री सविन राम शर्मा, गांव कलरी, तप्पा घनेट, तहसील व जिला हमीरपुर, हिमाचल प्रदेश।

बनाम

ग्राम जनता

प्रार्थना-पत्र प्रचीन धारा 16 आफ स्पेशल मैरिज ऐक्ट, 1954 के अन्तर्गत शादी पंजीकरण बारे।

उपरोक्त मुकद्दमा में श्री सुनील दत्त व श्रीमती रंजना कुमारी ने हिन्दू रीति-रिवाज अनुसार शादी कर ली है जिसे स्पेशल मैरिज ऐक्ट, 1954 के अन्तर्गत पंजीकृत किया जाता है।

धतः ग्राम जनता एवं उनके रिश्तेदारों को इस इशतहार द्वारा सूचित किया जाता है कि उक्त शादी पंजीकरण करने वाले किसी व्यक्ति को कोई उजर या एतराज हो तो वह दिनांक 16-11-2006 को सुबह 10.00 बजे या इससे पहले असातन या वकालतन हाजिर अदालत होकर पेश करें अन्यथा शादी पंजीकरण करने वाले आगामी कार्यवाही अमल में लाई जाएगी।

आज दिनांक 5-10-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

आर0 के0 प्रधी,  
मैरिज आफिसर एवं उप-मण्डल दण्डाधिकारी,  
हमीरपुर, जिला हमीरपुर, हिमाचल प्रदेश।

व अदालत श्री धार0 के0 प्रधी, मैरिज आफिसर एवं उप-मण्डल दण्डाधिकारी, हमीरपुर, जिला हमीरपुर, हिमाचल प्रदेश

1. Shri Mukesh Kumar aged 24 years, s/o Shri Dharam Paul, r/o Ward, No. 3, Partap Nagar, Hamirpur (H.P.).

2. Smt. Nidhi Sharma, aged 19 years d/o Shri Dev Raj, r/o Ward No. 3, Partap Nagar, Hamirpur.

बनाम

ग्राम जनता

प्रार्थना-पत्र प्रचीन धारा 16 आफ स्पेशल मैरिज ऐक्ट, 1954 के अन्तर्गत शादी पंजीकरण करने बारे।

उपरोक्त मुकद्दमा में श्री Mukesh Kumar व श्रीमती Nidhi Sharma ने दिनांक 29-9-2006 को हिन्दू रीति-रिवाज अनुसार Jawalaji Temple, Jawalaji, Tehsil Dehra, District Kangra में शादी कर ली है जिसे स्पेशल मैरिज ऐक्ट, 1954 के अन्तर्गत पंजीकृत किया जाता है।

धतः ग्राम जनता एवं उनके रिश्तेदारों को इस इशतहार द्वारा सूचित किया जाता है कि उक्त शादी पंजीकरण करने वाले किसी व्यक्ति को कोई उजर या एतराज हो तो वह दिनांक 20-11-2006 को सुबह 10.00 बजे या इससे पहले असातन या वकालतन हाजिर अदालत होकर पेश करें अन्यथा शादी पंजीकरण करने वाले आगामी कार्यवाही अमल में लाई जाएगी।

आज दिनांक 5-10-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी किया गया।

मोहर।

आर0 के0 प्रधी,  
मैरिज आफिसर एवं उप-मण्डल दण्डाधिकारी,  
हमीरपुर, जिला हमीरपुर, हिमाचल प्रदेश।

व अदालत श्री धार0 के0 प्रधी, मैरिज आफिसर एवं उप-मण्डल दण्डाधिकारी, हमीरपुर, जिला हमीरपुर, हिमाचल प्रदेश

1. Sh. Ranjit Singh aged 25 years, s/o Shri Prem Chand, r/o Village Gujra, P. O. Chandruhi, Tehsil Bhoranj, Distt. Hamirpur.

2. Smt. Sheela Devi aged 21 years d/o Sh. Dile Ram, r/o village Talaw, P. O. Fatehpur, Tehsil Sarkaghat, Distt. Mandi.

बनाम

ग्राम जनता

प्रार्थना-पत्र प्रचीन धारा 16 आफ स्पेशल मैरिज ऐक्ट, 1954 के अन्तर्गत शादी पंजीकरण बारे।

उपरोक्त मुकद्दमा में श्री Ranjit Singh व श्रीमती Sheela Devi ने दिनांक 28-10-2006 को हिन्दू रीति-रिवाज अनुसार आदमपुर, जिला जालंधर में शादी कर ली है जिसे स्पेशल मैरिज ऐक्ट, 1954 के अन्तर्गत पंजीकृत किया जाता है।

धतः ग्राम जनता एवं उनके रिश्तेदारों को इस इशतहार द्वारा सूचित किया जाता है कि उक्त शादी पंजीकरण करने वाले किसी व्यक्ति को कोई उजर या एतराज हो तो वह दिनांक 16-11-2006 को सुबह 10.00 बजे या इससे पहले असातन या वकालतन हाजिर अदालत होकर पेश करें अन्यथा शादी पंजीकरण करने वाले आगामी कार्यवाही अमल में लाई जाएगी।

आज दिनांक 5-10-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी किया गया।

मोहर।

आर0 के0 प्रधी,  
मैरिज आफिसर एवं उप-मण्डल दण्डाधिकारी,  
हमीरपुर, जिला हमीरपुर, हिमाचल प्रदेश।

व अदालत श्री धार0 के0 प्रधी, मैरिज आफिसर एवं उप-मण्डल दण्डाधिकारी, हमीरपुर, जिला हमीरपुर, हिमाचल प्रदेश

1. Sh. Rakesh Kumar aged 24 years, s/o Sh. Parkash Chand, r/o Village Dharwada, P. O. Talwara, District Bilaspur, c/o Shri Kesar Singh s/o Shri Ranjeet Singh, Village Lahar, P. O. Dugha, Tehsil & District Hamirpur.

2. Smt. Rajani Devi, aged 21 years, d/o Shri Rashpal Singh, r/o Mohalla Sadwar opposite Railway Station, District Ropar (Pb.) presently residing with Sh. Rakesh Kumar at Village Lahar, P. O. Dugha, Tehsil and District Hamirpur.

बनाम

ग्राम जनता

प्रार्थना-पत्र प्रचीन धारा 16 आफ स्पेशल मैरिज ऐक्ट, 1954 के अन्तर्गत शादी पंजीकरण बारे।

उपरोक्त मुकद्दमा में श्री राकेश कुमार व श्रीमती रजनी देवी ने दिनांक 27-3-2006 को हिन्दू रीति-रिवाज अनुसार लदौर, तहसील व जिला हमीरपुर में शादी कर ली है जिसे स्पेशल मैरिज ऐक्ट, 1954 के अन्तर्गत पंजीकृत किया जाता है।

धतः ग्राम जनता एवं उनके रिश्तेदारों को इस इशतहार द्वारा सूचित किया जाता है कि उक्त शादी पंजीकरण करने वाले किसी व्यक्ति को कोई उजर या एतराज हो तो वह दिनांक 16-11-2006 को सुबह 10.00 बजे या इससे पहले असातन या वकालतन हाजिर अदालत होकर पेश करें अन्यथा शादी पंजीकरण करने वाले आगामी कार्यवाही अमल में लाई जाएगी।

आज दिनांक 13-10-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

आर0 के0 प्रधी,  
मैरिज आफिसर एवं उप-मण्डल दण्डाधिकारी,  
हमीरपुर, जिला हमीरपुर, हिमाचल प्रदेश।

अदालत श्री धारू 0 के 0 श्री, मैरिज आफिसर एवं उप-मण्डल  
दण्डाधिकारी, हमीरपुर, जिला हमीरपुर, हिमाचल प्रदेश

व अदालत श्री वी 0 के 0 श्री, नायब तहसीलदार एवं उप-पंजीकाध्यक्ष,  
नादीन, जिला हमीरपुर, हिमाचल प्रदेश

1. Shri Parshottam Chand s/o Shri Pritam  
Chand, r/o Village Anu Kalan, P. O., Tehsil  
& District Hamirpur.

श्रीमती कलावती पत्नी स्व 0 श्री जान चन्द, निवासी टीका  
भबड़िया, मौजा कोहला, तहसील नादीन, जिला हमीरपुर, हिमाचल  
प्रदेश

2. Smt. Priyanka Devi d/o Shri Rikhi Ram, r/o  
Village Kohleri, P. O., Tehsil & District  
Hamirpur.

बनाम

ग्राम जनता

बनाम

ग्राम जनता

प्रार्थना-पत्र अधीन धारा 16 आफ स्पेशल मैरिज ऐक्ट, 1954 के  
अन्तर्गत शादी पंजीकरण करने वाले।

उपरोक्त मुकदमा में श्री Purshottam Chand व श्रीमती  
Priyanka Devi ने दिनांक 2-9-2006 को हिन्दू रीति-रिवाज  
के अनुसार Tauni Devi Temple, Hamirpur में शादी कर  
ली है जिसे स्पेशल मैरिज ऐक्ट, 1954 के अन्तर्गत पंजीकृत किया  
जाया है।

अतः ग्राम जनता एवं उनके रिश्तेदारों को इस इशतहार द्वारा  
सूचित किया जाता है कि उक्त शादी पंजीकरण करने वाले किसी  
व्यक्ति को कोई उजर या एतराज हो तो वह दिनांक 16-11-2006  
को सुबह 10.00 बजे या इससे पहले असातलन या बकालतन  
हाजिर अदालत होकर पेश करें अन्यथा शादी पंजीकरण करने वाले  
भाग्यहीन कार्यवाही अमल में लाई जाएगी।

आज दिनांक 6-10-2006 को मेरे हस्ताक्षर व मोहर अदालत  
से जस्टिस किया गया।

मोहर।

धारू 0 के 0 श्री,  
मैरिज आफिसर एवं उप-मण्डल दण्डाधिकारी,  
हमीरपुर, जिला हमीरपुर, हिमाचल प्रदेश।

व अदालत सहायक समाहर्ता प्रथम श्रेणी, नादीन, जिला हमीरपुर,  
हिमाचल प्रदेश

शामली पुत्री श्री जगरूप सिंह, वासी टीका जलाड़ी भटियारां,  
तप्पा जलाड़ी, तहसील नादीन, जिला हमीरपुर (हि 0 प्र 0)।

बनाम

सैक्रेटरी सी 0 वी 0 एस 0 ई 0 दिल्ली

विवरण - प्रार्थना-पत्र वास्तव नाम दस्तुती किये जाने हेतु वासी टीका  
जलाड़ी भटियारां, तप्पा जलाड़ी, तहसील नादीन, जिला  
हमीरपुर (हि 0 प्र 0)।

उपरोक्त नाम दस्तुती के सम्बन्ध में वादी कुनारी शामली  
पुत्री श्री जगरूप सिंह, वासी टीका जलाड़ी भटियारां, तहसील  
नादीन, जिला हमीरपुर (हि 0 प्र 0) ने इस अदालत में प्रार्थना-  
पत्र दायर किया है कि उक्त नाम शामली शैलजा सिंह परिवार  
के पंजाब शामली काला जाये।

अतः इस इशतहार द्वारा सैक्रेटरी, सी 0 वी 0 एस 0 ई 0 दिल्ली  
को सूचित किया जाता है कि इस नाम की दस्तुती के सम्बन्ध में  
कोई एतराज हो तो वह दिनांक 16-11-2006 को प्रातः 10.00 बजे  
इस न्यायालय में नाम दस्तुती वाले उजर/एतराज पेश कर सकता  
है। इसके बाद कोई भी उजर/एतराज काबलें समाप्त न होगा।

आज दिनांक 20-10-2006 को मेरे हस्ताक्षर एवं मोहर कार्यालय  
द्वारा जारी किया गया।

मोहर।

हस्ताक्षरित/-

सहायक समाहर्ता प्रथम श्रेणी,  
नादीन, जिला हमीरपुर (हि 0 प्र 0)।

विवरण - प्रार्थना-पत्र जेर धारा 40-41 भारतीय पंजीकरण  
अधिनियम वास्तव पंजीकृत किये जाने वसीयतनामा  
गुजारी दिनांक 12-8-2006 भिन्नानिधन श्री जान चन्द  
मुक्त सी, टीका भबड़िया, मौजा कोहला, तहसील नादीन,  
जिला हमीरपुर, हिमाचल प्रदेश।

उपरोक्त मुकदमा के सम्बन्ध में मायला श्रीमती कलावती ने  
इस अदालत में प्रार्थना-पत्र दायर किया है कि उसके स्व 0 पति  
श्री जान चन्द मूलक पुत्र श्री राम सिंह, वामी भबड़िया, मौजा  
कोहला, तहसील नादीन, जिला हमीरपुर, हिमाचल प्रदेश ने अपनी  
नमाम जायदाद मन्कला व गैर-मन्कला स्थित टीका भबड़िया,  
मौजा कोहला, तहसील नादीन, जिला हमीरपुर, हिमाचल प्रदेश  
टीका मुनाकपुर, तहसील मुकिया, जिला होशियारपुर, पंजाब, बन्सा  
लुधियाणा, पंजाब या अन्तर मूलक हिन्दोस्तान में जहाँ कहीं श्री हो  
अपनी पत्नी श्रीमती कलावती के नाम की है, को पंजीकृत किया  
जाये। मुताबिक वसीयत तहरीर दिनांक 12-8-2006 उपरोक्त  
जायदाद के ऊपर श्रीमती कलावती पत्नी श्री जान चन्द के अनाया  
कितो दूसरे का कोई तालुक व वास्ता न होगा।

अतः इस इशतहार द्वारा ग्राम जनता को सूचित किया जाता  
है कि इस वसीयत को पंजीकृत करने वाले किसी को उजर/एतराज  
हो तो वह दिनांक 13-11-2006 को प्रातः 10.00 बजे इस  
न्यायालय में वसीयत वाले उजर/एतराज पेश कर सकता है। इसके  
बाद कोई उजर/एतराज काबलें समाप्त न होगा।

आज दिनांक 30-9-2006 को मेरे हस्ताक्षर व मोहर अदालत  
द्वारा जारी किया गया।

मोहर।

वी 0 के 0 श्री,  
उप-पंजीकाध्यक्ष, नादीन,  
जिला हमीरपुर (हि 0 प्र 0)।

व अदालत श्री अमरनाथ वर्मा, कार्यकारी दण्डाधिकारी, वैजनाथ,  
जिला कांगड़ा, हिमाचल प्रदेश

Pema Dhandup s/o Shri Bhulla, r/o T. C. C.  
Tashi Jong, P. O. Taragarh, तहसील वैजनाथ, जिला  
कांगड़ा, हिमाचल प्रदेश।

बनाम

ग्राम जनता

प्रार्थना-पत्र जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण  
अधिनियम, 1969.

Pema Dhandup s/o Sh. Bhulla, निवासी T. C. C.  
Tashi Jong, डाकखाना Taragarh, तहसील वैजनाथ, जिला  
कांगड़ा, हिमाचल प्रदेश ने इस अदालत में प्रार्थना-पत्र गुजारा है कि  
उसकी पुत्री Norbu Yang'so का जन्म दिनांक 12-8-1995  
को T. C. C. Tashi Jong में हुआ था परन्तु इस बारे  
पंचायत के रिकार्ड में पंजीकरण नहीं कराया जा सका। अब  
पंजीकरण करने के आदेश दिए जाये।

अतः इस नोटिस के माध्यम से सर्वसाधारण को सूचित किया जाता  
है कि यदि किसी व्यक्ति को उपरोक्त पंजीकरण के बारे में कोई  
उजर/एतराज हो तो वह दिनांक 13-11-2006 को सुबह 10.00  
बजे इस न्यायालय में असातलन या बकालतन हाजिर आकर पेश

1. 19. प्राण नाथ, 20. विजय कुमार पुत्रान दीना नाथ, 21. देवी दास, 22. प्रताप चन्द, 23. राम नाथ, 24. बीकार चन्द पुत्रा, 25. प्रती राय पुत्र सुन्दर लाल, 26. मूल राय, 27. स्ववीर पुत्रान, 28. सतीश पुत्री, 29. रूप: विष्णु मकरचण्ड, 30. धमर नाथ, 31. श्यामि प्रकाश, 32. राजिन्द कुमार पुत्रा विजान दास, 33. धनय कुमार, 34. विजय कुमार पुत्रान, 35. रीत देवी पुत्री, 36. सहा भाभा विष्णु विजान दास, 36. गरीब, पुत्र राजा, 38. धोन् पुत्र रामा, 39. पूर्ण चन्द पुत्र, 40. बीर, 41. दित्तू पुत्राने किरलू, 42. जान चन्द, 43. भागप चन्द पुत्रान, जोड़ण्ड, 44. पूर्ण चन्द, 45. रघु नाथ पुत्र लोहान, 46. विद्या राम पुत्र 47. कलासा, 48. केशो पुत्रियां प्रातो, 49. प्राता पुत्र कौभू, 50. गरीब चन्द, 51. भाधो राम पुत्रान जोड़ण्ड, 52. भीमा पुत्र निवासीयान महाल संसाल, तहडू बैजनाथ, जिला कांगड़ा, हिमाचल प्रदेश

घाघ दिनांक 16-10-2006 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

अमरनाथ वर्मा,  
कार्यकारी दण्डाधिकारी,  
बैजनाथ, जिला कांगड़ा, हिमाचल प्रदेश।

व अदालत श्री धमर नाथ वर्मा, कार्यकारी दण्डाधिकारी बैजनाथ, जिला कांगड़ा, (हि० प्र०)

Pema Dhondup s/o Bhulla, r/o T.C.C. Tashijang, P.O. Taragarh, तहसील बैजनाथ, जिला कांगड़ा, हिमाचल प्रदेश।

बनाम

श्रीमत जनता

प्रार्थना-पत्र जेर द्वारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

Pema Dhondups/o Bhulla, निवासी गांव T.C.C. Tashijang, टारगारह, तहसील बैजनाथ, जिला कांगड़ा, हिमाचल प्रदेश ने इस अदालत में प्रार्थना-पत्र गजारा है कि उसकी पुत्री Yangchen Palmo का जन्म दिनांक 25-7-1994 को मुहल T.C.C. Tashijang में हुआ था परन्तु इस बारे पंचायत के रिकार्ड में पंजीकरण नहीं करवाया जा सका। अब पंजीकरण करने के आदेश दिये जायें। उसके उपरान्त कोई एतराज न सुना जायेगा।

अतः इस नोटिस के माध्यम ने सर्व-माधाराण को सूचित किया जाता है कि यदि किसी व्यक्ति को उपरोक्त पंजीकरण के बारे में कोई एतराज हो तो वह दिनांक 5-11-2006 को पूर्व 10.00 बजे इस न्यायालय में असाक्षित या वकालतन हाजिर आकर पेश कर सकता है, अन्यथा उपरोक्त जन्म का पंजीकरण करने के आदेश दिये जायेंगे। उसके उपरान्त कोई एतराज न सुना जायेगा।

प्राज दिनांक 16-10-2006 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

अमर नाथ वर्मा,  
कार्यकारी दण्डाधिकारी बैजनाथ,  
जिला कांगड़ा, हिमाचल प्रदेश।

व अदालत श्री रामजीत, महायक समाहर्ता द्वितीय धेणो बैजनाथ, जिला कांगड़ा, हिमाचल प्रदेश

मुकदमा नं० 51/NT/05

उपनाम तक्षीम भूमि

श्री भागपाल पुत्र श्री भुट्ट राम, बासी संसाल, व० बैजनाथ, जिला कांगड़ा, हिमाचल प्रदेश

बनाम

1. रमेश चन्द पुत्र श्री हनुमान, 2. श्री श्याम प्रकाश, 3. विजय कुमार पुत्रान भगवान दास, 4. सजित चन्द, 5. राज कुमार, पुत्रान पूर्ण चन्द, 6. रोशनी देवी पुत्री, तरलोक उर्फ रमेश चन्द, 8. कुशल कुमार पुत्रान श्याम लाल, 9. वसन्त कुमार, 10. सुध राम, 11. रवि कुमार, 12. कृष्ण कुमार, 13. उत्तम चन्द पुत्रान श्रेष्ठा, 14. नुसुम सती पुत्रिया, 15. बर्फी देवी विष्णु मदन लाल, 16. जितेन्द्र नाथ, 16. विष्णुनाथ, पुत्रान मांती, 18. विनोद कुमार

तक्षीम भूमि खाता नं० 6, खतीनी नं० 9, ता 51, खसरा किता 85, रकबा 8-00-64 है, मटाल व मोका संसाल, तहसील बैजनाथ।

प्रार्थी श्री भागपाल ने उपर दणित भूमि की तक्षीम हेतु प्रार्थना पत्र प्रस्तुत किया है। फरीक दोनम को इस न्यायालय से कई बार समन जारी किये गये परन्तु उन पर साधारण तरीके से समन की तारीख नहीं हो पा रही है।

अब अदालत को विश्वास हो गया है कि फरीक दोनम को साधारण ढंग से जामीन नहीं हो सकनी। अतः फरीक दोनम को इस इशतहार द्वारा सूचित किया जाता है कि दिनांक 15-11-2006 को प्रातः 10.00 बजे इस न्यायालय में असाक्षित या वकालतन हाजिर आकर पेशी मुकदमा करें अन्यथा मेरे हाजरी की सूत में एक तरफ कार्यवाही अमल में लाई जायेगी।

आज दिनांक 16-10-2006 को हमारे र व मोहर अदालत द्वारा जारी हुआ।

मोहर।

रामजीत,  
महायक समाहर्ता द्वितीय धेणो,  
बैजनाथ, जिला कांगड़ा, हिमाचल प्रदेश।

व अदालत श्री राजीव कुमार, उप-मण्डल दण्डाधिकारी, ताहोल श्याम केलांग, जिला ताहोल एवं स्पति (हि० प्र०)

श्रीमती रिगजिन टोलमा बनाम आम जनता व अन्य

विषय—प्रार्थना-पत्र बराने पंचायत रजिस्टर में जन्म तिथि शुद्ध करने बारे।

श्रीमती रिगजिन टोलमा पत्नी स्व० श्री डेरिंग तन्हुप, निवासी गांव केलांग, कोठी गुमरंग, तहसील ताहोल ने इस अदालत में संशय प्रार्थना-पत्र दाखल किया है कि उनकी पुत्री सानम छोमा की जन्म तिथि पंचायत परिवार रजिस्टर में 1961 दर्ज है जो वास्तव में 22-12-1970 है अतः उसे शुद्ध करके दर्ज किया जा

अतः इस इशतहार द्वारा सूचित जनता को सूचित किया जाता है कि श्रीमती रिगजिन टोलमा पत्नी स्व० श्री डेरिंग तन्हुप, निवासी गांव केलांग, कोठी गुमरंग को पुत्री की जन्म तिथि, जन्म एवं मृत्यु पंजीकरण रजिस्टर में शुद्ध करके दर्ज करने बारे यदि किसी को कोई आपत्ति हो तो वह दिनांक 9-11-2006 को प्रातः 10.00 बजे इस अदालत में असाक्षित या वकालतन हाजिर आकर पेश कर सकता है तथा उचित तिथि पर कोई आपत्ति न करने पर एकतरफ कार्यवाही अमल में लाई जायेगी।

आज दिनांक 9-10-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

राजीव कुमार,  
उप-मण्डल दण्डाधिकारी,  
ताहोल श्याम केलांग,  
जिला ताहोल-स्पति (हि० प्र०)।



अदालत श्री राजीव कुमार, उप-मण्डल दण्डाधिकारी, लाहौल  
स्थान कैलांग, जिला लाहौल एवं स्पिति, हिमाचल प्रदेश

अदालत श्री राजीव कुमार, उप-मण्डल दण्डाधिकारी, लाहौल स्थान  
कैलांग, जिला लाहौल एवं स्पिति, हिमाचल प्रदेश

श्री राम सिंह बनाम ग्राम जनता व अन्य ।

श्री मन्त लाल बनाम ग्राम जनता व अन्य

विषय—प्रार्थनापत्र बराये पंचायत रजिस्टर में नाम व जन्म तिथि दर्ज करने बारे ।

विषय—प्रार्थनापत्र बराये पंचायत रजिस्टर में पिता के नाम की मुद्रि बारे ।

श्री राम सिंह पुत्र श्री डोला राम, निवासी गांव रांगवे, कोठी वारपा, तहसील लाहौल ने इस अदालत में मशय प्रार्थनापत्र दायर किया है कि उसका व उसके परिवार के नाम श्री कि क्रमशः राम सिंह पुत्र श्री डोला राम, श्रीमती सन्तोष पत्नी श्री राम सिंह व पुत्री पुत्री श्री राम सिंह, जिनकी जन्म तिथियां क्रमशः 1-4-1970, 18-11-1973 व 9-3-2002 हैं। अतः पंचायत परिवार रजिस्टर में नाम व जन्म तिथियां दर्ज की जावे ।

श्री मन्त लाल पुत्र श्री राम, निवासी गांव लपथक, कोठी वारपा, तहसील लाहौल ने इस अदालत में मशय प्रार्थनापत्र दायर किया है कि राकेश के पिता का नाम पंचायत परिवार रजिस्टर में प्रेम सिंह का नाम काटकर संत लाल लिखा हुआ है जो कि गलत है। अतः उसे शुद्ध करके प्रेम सिंह ही दर्ज किया जावे ।

अतः इस इशतहार द्वारा समस्त जनता को सूचित किया जाता है कि श्री राम सिंह पुत्र श्री डोला राम, निवासी गांव रांगवे, कोठी वारपा का व उसके परिवार के नाम व जन्म तिथियां, जन्म एवं मृत्यु पंजीकरण रजिस्टर में दर्ज करने बारे यदि किसी को कोई आपत्ति हो तो वह दिनांक 9-11-2006 को प्रातः 10.00 बजे इस अदालत में असालतन या बकालतन हाजिर होकर पैरवी कर सकता है तथा निश्चित तिथि पर कोई आपत्ति न करने पर एकतरफा कार्यवाही अमल में लाई जावेगी ।

अतः इस इशतहार द्वारा समस्त जनता को सूचित किया जाता है कि श्री मन्त लाल पुत्र श्री राम, निवासी गांव लपथक, कोठी वारपा, द्वारा दायर प्रार्थनापत्र अनुसार श्री राकेश के पिता का नाम प्रेम सिंह का नाम पंचायत परिवार जन्म एवं पंजीकरण रजिस्टर में दर्ज करने बारे यदि किसी को कोई आपत्ति हो तो वह दिनांक 9-11-2006 को प्रातः 10.00 बजे इस अदालत में असालतन या बकालतन हाजिर होकर पैरवी कर सकता है तथा निश्चित तिथि पर कोई आपत्ति न करने पर एकतरफा कार्यवाही अमल में लाई जावेगी ।

आज दिनांक 9-10-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

आज दिनांक 9-10-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

मोहर । राजीव कुमार,  
उप-मण्डल दण्डाधिकारी,  
लाहौल स्थान कैलांग,  
जिला लाहौल-स्पिति, हिमाचल प्रदेश ।

मोहर । राजीव कुमार,  
उप-मण्डल दण्डाधिकारी,  
लाहौल स्थान कैलांग,  
जिला लाहौल-स्पिति (हि0 प्र0) ।

अदालत श्री राजीव कुमार, उप-मण्डल दण्डाधिकारी, लाहौल स्थान  
कैलांग, जिला लाहौल एवं स्पिति, हिमाचल प्रदेश

अदालत श्री वी0 डी0 आजाद, नायब तहसीलदार एवं सहायक  
समाहर्ता, उप-तहसील वाली चौकी, जिला मण्डी (हि0 प्र0)

श्री दबा राम बनाम ग्राम जनता व अन्य ।

उनवान मुकद्दमा : नाम दस्तूती ।

प्रार्थनापत्र बराये पंचायत रजिस्टर में नाम व जन्म तिथि दर्ज करने बारे ।

श्री टेक सिंह पुत्र श्री शेर्वा राम निवासी रांगवा घार, मुहाल समलवाम, ईलाका डाहर, उप-तहसील वाली चौकी, जिला मण्डी, हिमाचल प्रदेश ।

बनाम

ग्राम जनता

श्री दबा राम पुत्र श्री डोला राम, निवासी गांव कैलांग, कोठी गुमरंग, तहसील लाहौल ने इस अदालत में मशय प्रार्थनापत्र दायर किया है कि उसकी पत्नी श्रीमती स्वीरित कान्ता, पुत्र गिवम कारपा तथा धूमन कारपा जिनकी जन्म तिथियां क्रमशः 18-1-1966, 10-10-1993 व 23-8-1996 हैं, अतः पंचायत परिवार रजिस्टर में नाम व जन्म तिथियां दर्ज की जावे ।

विषय—नाम दस्तूती बारे ।

अतः इस इशतहार द्वारा समस्त जनता को सूचित किया जाता है कि श्री दबा राम पुत्र श्री डोला राम, निवासी गांव कैलांग, कोठी गुमरंग, की पत्नी व उसके बच्चों के नाम व जन्म तिथि, जन्म एवं मृत्यु पंजीकरण रजिस्टर में दर्ज करने बारे यदि किसी को कोई आपत्ति हो तो वह दिनांक 9-11-2006 को प्रातः 10.00 बजे इस अदालत में असालतन या बकालतन हाजिर होकर पैरवी कर सकता है तथा निश्चित तिथि पर कोई आपत्ति न करने पर एक तरफा कार्यवाही अमल में लाई जावेगी ।

अतः इस इशतहार द्वारा ग्राम जनता को सूचित किया जाता है कि यदि किसी व्यक्ति को उक्त नाम दस्तूती द्वारा कोई उजर व एतराज हो तो वह असालतन या बकालतन दिनांक 15-11-2006 को सुबह 10.00 बजे हाजिर अदालत होकर अपना उजर पेश कर सकता है। बमूलत गलती से कागजात माल में टिकम राम दर्ज हुआ है। अतः वह आदेशा प्रपना नाम कागजात माल में श्री टेक सिंह रखना चाहता है ।

आज दिनांक 9-10-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

आज दिनांक 12-9-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

मोहर । राजीव कुमार,  
उप-मण्डल दण्डाधिकारी,  
लाहौल स्थान कैलांग,  
जिला लाहौल-स्पिति, हिमाचल प्रदेश ।

मोहर । वी0 डी0 आजाद,  
सहायक समाहर्ता एवं नायब तहसीलदार,  
उप तहसील वाली चौकी, जिला मण्डी, (हि0 प्र0) ।

ब अदालत श्री जगदीश जग्गी, सहायक समाहर्ता द्वितीय श्रेणी, धर्मपुर, जिला मण्डी, हिमाचल प्रदेश

ब अदालत श्री जगदीश जग्गी, सहायक समाहर्ता द्वितीय श्रेणी, धर्मपुर जिला मण्डी, हिमाचल प्रदेश

श्री मोती राम पुत्र श्री घोष, निवासी मोरला, उप-तहसील धर्मपुर, जिला मण्डी (हि 0 प्र 0)

श्री राज कुमार पुत्र श्री गोविन्द राम, निवासी बाहूडा, उप-तहसील धर्मपुर, जिला मण्डी, हिमाचल प्रदेश

बनाम

बनाम

ग्राम जनता

ग्राम जनता

उनवान मुकद्दमा.—प्राथना-पत्र दस्तवी नाम ।

दरखास्त जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

प्रार्थी श्री मोती राम पुत्र श्री घोष, निवासी मोरला, उप-तहसील धर्मपुर ने एक प्राथना-पत्र इस अदालत में प्रस्तुत करते हुए निवेदन किया है कि उसका नाम राजस्व अभिलेख में मधर सिंह गलत दर्ज चला आ रहा है । जबकि उसका सही नाम मोती राम है जिसकी पुष्टि हेतु प्रार्थी ने अपना व्यान हस्तिया, नकल परिवार रजिस्टर तथा स्कूल शिक्षा प्रमाण-पत्र को सत्यापित प्रति संलग्न कर रखी है ।

श्री राज कुमार पुत्र श्री गोविन्द राम, निवासी बाहूडा ने निवेदन-पत्र मय शपथ-पत्र गुजारा है कि उसके पिता श्री गोविन्द राम को मृत्यु दिनांक 9-7-1995 को हो चुकी है परन्तु अज्ञानता वश ग्राम पंचायत वहरी में दर्ज नहीं करवा सके हैं । भय दर्ज करने हेतु अनुरोध किया है ।

धतः इस इशतहार द्वारा हर ग्राम व खास को सूचित किया जाता है कि यदि किसी को उक्त नाम दस्त करने वाले कोई उजर/एतराज हो तो वह दिनांक 13-11-2006 को प्रातः 10 बजे असालतन या बकालतन हाजिर होकर अपना एतराज पेश कर सकता है । इसके उपरान्त कोई उजर/एतराज नहीं सुना जाएगा और प्राथना-पत्र का निपटारा कर दिया जाएगा ।

धतः इस इशतहार राजपत्र द्वारा ग्राम जनता व सम्मति रिश्तेदारों को सूचित किया जाता है कि यदि किसी को उपरोक्त मृत्यु तिथि दर्ज करने वाले उजर/एतराज हो तो वह दिनांक 13-11-2006 को प्रातः 10:00 बजे असालतन या बकालतन हाजिर आकर पेश करे अन्यथा सम्बन्धित पंचायत को मृत्यु तिथि दर्ज करने का आदेश पारित कर दिया जाएगा ।

ग्राज दिनांक 9-10-2006 को मेरे हस्ताक्षर व मोहर अदालत जहा से जारी हुआ ।

ग्राज दिनांक 9-10-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

मोहर ।

जगदीश जग्गी,  
सहायक समाहर्ता द्वितीय श्रेणी,  
धर्मपुर, जिला मण्डी, हिमाचल प्रदेश ।

मोहर ।

जगदीश जग्गी,  
सहायक समाहर्ता द्वितीय श्रेणी,  
धर्मपुर, जिला मण्डी (हि 0 प्र 0) ।

ब अदालत श्री जगदीश जग्गी, सहायक समाहर्ता द्वितीय श्रेणी, धर्मपुर, जिला मण्डी, हिमाचल प्रदेश

श्री बलवीर सिंह पुत्र श्री दुर्गा दास, निवासी छपाण, उप-तहसील धर्मपुर, जिला मण्डी, हिमाचल प्रदेश

ब अदालत श्री राज ठाकुर, तहसीलदार एवं सहायक समाहर्ता प्रथम श्रेणी, तहसील पधर, जिला मण्डी, हिमाचल प्रदेश

बनाम

बनाम

ग्राम जनता

ग्राम जनता

उनवान मुकद्दमा.—प्राथना-पत्र दुस्तवी नाम ।

आवेदन पत्र राजस्व अभिलेख में नाम दस्तवी बारे ।

प्रार्थी श्री बलवीर सिंह पुत्र श्री दुर्गा दास, निवासी छपाण, उप-तहसील धर्मपुर ने एक प्राथना-पत्र इस अदालत में प्रस्तुत करते हुए निवेदन किया है कि उसका नाम राजस्व अभिलेख में बली राम गलत दर्ज चला आ रहा है । जबकि उसका सही नाम बलवीर सिंह है जिसकी पुष्टि हेतु प्रार्थी ने अपने व्यान हस्तिया, नकल परिवार रजिस्टर व स्कूल शिक्षा प्रमाण-पत्र को सत्यापित प्रति संलग्न कर रखी है ।

श्री देव राज पुत्र श्री निर्मल सिंह, निवासी बनेरडी, मुहाल दुल्हा, तहसील पधर, जिला मण्डी, हिमाचल प्रदेश ने इस अदालत में एक प्राथना पत्र गुजारा है जिसमें प्राथना की है कि उसके स्कूल प्रमाण पत्र में उसके पिता का नाम निर्मल सिंह है, जो सही है लेकिन ग्राम पंचायत बलीधार व राजस्व अभिलेख में नाम दर्ज हुआ है । नाम दस्त करवाने के आदेश दिए जाएं ।

धतः इस इशतहार द्वारा हर ग्राम व खास को सूचित किया जाता है कि यदि किसी को उक्त नाम दस्त करने वाले कोई उजर/एतराज हो तो वह दिनांक 13-11-2006 को असालतन या बकालतन हाजिर होकर अपना एतराज पेश कर सकता है । इसके उपरान्त कोई उजर/एतराज नहीं सुना जाएगा और प्राथना-पत्र का निपटारा निम्नानुसार कर दिया जाएगा ।

धतः इस इशतहार द्वारा ग्राम जनता को सूचित किया जाता है कि यदि किसी व्यक्ति को उपरोक्त नाम दस्त करवाने में कोई एतराज हो तो वह असालतन या बकालतन दिनांक 16-11-2006 को प्रातः 10:00 बजे इस अदालत में पेश करे । उपस्थित न होने की नज्द में निम्नी एक दस्तवी अमल में लाई जाएगी ।

ग्राज दिनांक 9-10-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

ग्राज दिनांक 18-10-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

मोहर ।

जगदीश जग्गी,  
सहायक समाहर्ता द्वितीय श्रेणी,  
धर्मपुर, जिला मण्डी (हि 0 प्र 0) ।

मोहर ।

राज ठाकुर,  
सहायक समाहर्ता प्रथम श्रेणी, पधर,  
जिला मण्डी, हिमाचल प्रदेश ।

य प्रार्थना श्री बी० के० चौधरी, सहायक समाहर्ता द्वितीय श्रेणी, तहसील सदर, जिला मण्डी, हिमाचल प्रदेश

निकल प्रतिया संविदा के आदेश 5, नियम 29 के अन्तर्गत उद्दिष्ट।

मुकद्दमा :

संलग्न किए जाने इतकाल बरास्त।

श्री हरि सिंह पुत्र श्री रामजिया, निवासी चण्डेड, डा० कोटमोरस, तहसील सदर, जिला मण्डी प्राची।

बनाम

धाम जनता

.. प्रत्यार्थीगण।

उपर्युक्त मुकद्दमा में श्री हरि सिंह पुत्र श्री रामजिया, निवासी चण्डेड, डा० कोटमोरस, तहसील सदर, जिला मण्डी ने इस अदालत में शपथनाम प्रस्तुत किया है कि उसका मामा श्री राम चन्द पुत्र श्री धर्म राम, निवासी कवोथ, डा० कोटमोरस पिछले 50 वर्षों से लापता है जिसका कोई धरा पता नहीं है तथा उसका किसी सगे सम्बन्धियों से कोई पत्राचार इत्यादि भी नहीं हुआ है ऐसा प्रतीत होता है कि उसका मामा जीवित न है।

अतः इस उद्घोषणा के माध्यम से धाम जनता को सूचित किया जाता है कि श्री राम चन्द की बरास्त उनके कानूनी उत्तराधिकारियों के नाम स्वीकृत कर दी जाएगी। तथा उसकी मृत्यु पंचायत रिकार्ड व राजस्व रिकार्ड में दर्ज कर दी जाएगी इस बारे में किसी हितवन्ध व्यक्ति को कोई आपत्ति हो तो वह अपनी आपत्ति इस अदालत में दिनांक 15-11-2006 को या इससे पूर्व प्रस्तुत कर सकता है। उसके बाद अदालत कार्यवाही अमल में लाकर उक्त आदेश पारित कर दिया जाएगा।

आज्ञा दिनांक ..... को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी किया गया।

मोहर।

बी० के० चौधरी,  
सहायक समाहर्ता द्वितीय श्रेणी,  
तहसील सदर, जिला मण्डी (हि० प्र०)।

अदालत सहायक समाहर्ता प्रथम श्रेणी, सरकापाट, जिला मण्डी, हिमाचल प्रदेश

मुकद्दमा शीर्षक :

श्री कहनु पुत्र श्री प्रियु, निवासी तनिहार, ईलाका कनलाह, तहसील सरकापाट, जिला मण्डी, हिमाचल प्रदेश प्राची।

बनाम

श्री तरुण सिंह, श्री इन्दर सिंह पुत्रगण श्री पञ्जकु, श्री रोशन लाल पुत्र श्री पञ्जकु, श्री चन्द, श्री लक्ष्मी पुत्रगण श्री प्रियु, श्री बरद जिधवा श्री पञ्जकु, निवासोपगण तनहड, ईलाका कनलाह, तहसील सरकापाट, जिला मण्डी, हिमाचल प्रदेश प्राची।

विषय — प्रायनाम पत्र तकसीम अधीन धारा 123 भू-राजस्व अधिनियम, 1954 तकसीम भूमि हेतु।

प्राची ने इस न्यायालय में प्रायनाम पत्र तकसीम इस आशय से प्रस्तुत किया है कि राजनाम अभिलेख में प्राची का खाता खतीनी 36/97 किता 71 रकबा तादादी 6-98-12 हैक्टेयर वाक्या मुहल तनहड/102 में मुहलका मालकान कागजात माल में दर्ज है। प्राची अपना खाता अग्रग करवाना चाहता है। फरीक दोयम को इस न्यायालय द्वारा कई बार समन जारी किये गये परन्तु उनकी गोपनीय साधारण तरीके से नहीं हो पा रही है। अब अदालत को पुर्ण विश्वास हो गया है कि प्रत्यार्थी की साधारण तरीके से नामोल नहीं हो सकती।

अतः प्रत्यार्थी को इस इतदार द्वारा सूचित किया जाता है कि वे दिनांक 16-11-2006 को प्रातः 10.00 बजे अमानतन या वकालतन हाजिर आकर पैरवी मुकद्दमा करें। गैर हाजरी की सूत में कार्यवाही एक पक्षीय अमल में लाई जाएगी।

आज्ञा दिनांक 21-9-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/-

सहायक समाहर्ता प्रथम श्रेणी, सरकापाट, जिला मण्डी, हिमाचल प्रदेश।

अदालत सहायक समाहर्ता प्रथम श्रेणी, सरकापाट, जिला मण्डी, हिमाचल प्रदेश

मुकद्दमा शीर्षक :

श्रीमती कमला देवी पत्नी श्री प्रकाश चन्द राणा, निवासी मुजपुर बाड़ी, ईलाका मुरांगा, तहसील सरकापाट, जिला मण्डी, हिमाचल प्रदेश प्राची।

बनाम

श्री जुलानी राम, श्री जैनी राम पुत्र मुखिया, निवासी मुरज-पुर बाड़ी, कश्मीर देवी पुत्री मुखिया राम पत्नी श्री पृथी सिंह, निवासी मनादेवी, डाकघर नैहडूवा, तहसील धुमागवा, जिला विलास-पुर, हिमाचल प्रदेश प्राची।

श्रीमती मुख्तार देई पत्नी श्री अचर सिंह, निवासी मुरजपुर-बाड़ी, ईलाका मुरांगा, तहसील सरकापाट, जिला मण्डी, हिमाचल प्रदेश।

विषय — प्रायनाम पत्र तकसीम अधीन धारा 123 भू-राजस्व अधिनियम, 1954 तकसीम भूमि हेतु।

प्राची ने इस न्यायालय में प्रायनाम पत्र तकसीम इस आशय से प्रस्तुत किया है कि राजस्व अभिलेख में प्राची का खाता 13, खतीनी नम्बर 14 किता 32 रकबा तादादी 0-82-30 हैक्टेयर वाक्या मुहल मुरजपुर बाड़ी में मुहलका मालकान कागजात माल में दर्ज है। प्राची अपना खाता अलग करवाना चाहती है। फरीक दोयम को इस न्यायालय में कई बार समन जारी किये गये परन्तु उनकी गोपनीय साधारण तरीके से नहीं हो पा रही है। अब अदालत को पुर्ण विश्वास हो गया है कि फरीकदोयम की साधारण ढंग से तामोल नहीं हो सकती।

अतः इस इतदार द्वारा फरीकदोयम को सूचित किया जाता है कि वे मिति 17-11-2006 को प्रातः दस बजे अमानतन या वकालतन हाजिर अदालत आकर पैरवी मुकद्दमा करें। गैर हाजरी की सूत में कार्यवाही एक पक्षीय अमल में लाई जाएगी।

आज्ञा दिनांक 21-9-2006 को हमारे हस्ताक्षर व मोहर अदालत में से जारी हुआ।

मोहर।

हस्ताक्षरित/-

सहायक समाहर्ता प्रथम श्रेणी, सरकापाट, जिला मण्डी, हिमाचल प्रदेश।

अदालत सहायक समाहर्ता प्रथम श्रेणी, सरकापाट, जिला मण्डी, हिमाचल प्रदेश

मुकद्दमा शीर्षक :

श्री भाभीरय, इगोवर, मनवा राम पुत्रल दुला, निवासी नवाही, ईलाका मुरांगा, जिला मण्डी (हि० प्र०) प्राची।

बनाम

कुमारी सोमा, दोवा देवी पुत्रिणां दोना नाथ नवागोन जैर सरपन्त माना तारा देवी, राजेन्द्र कुमार, विवाहाण्ड पुत्र व

सुनौता देवी, पुत्री प्रेमी देवी विधवा नेक राम, रीता देवी पत्नी बृज लाल, राकेश कुमार, राजेश कुमार पुत्राज विनोद, निवासोपगुन नवाही, ईलाका गुरला, नहसोल सांघाट, जिला मण्डो, हिमाचल प्रदेश प्रत्यागमन ।

नियम प्रायश्चित्त तकसीम अजीन धारा 123 हि० प्र० नूराजस्य अधिनियम, 1954 तकसीम मूिम हेतु ।

प्रायश्चित्त ने एक न्यायमय में प्रायश्चित्त तकसीम इस आधार से प्रस्तुत किया है कि राज्य अभिनेत्र में प्रायश्चित्त का घाता यतीनी न० 7/194 कला 4, रकबा तावदा 0-12-49 है 0 वषा मुहाल नवाही/368 में मुजबका माफान काजानमान में दर्ज है । प्रायश्चित्त अपना जला करवाना चाहता है । फरीकदीयम को इन न्यायालय द्वारा कई बार समन जारी किये गये । परन्तु उनकी तानील साधारण तरीके से नहीं हो रही है । अब अदालत को पूर्ण विज्ञास हो गया है कि समन की तानील साधारण तरीके से नहीं हो सकती ।

अतः फरीकदीयम को इस इस्तहार द्वारा सूचित किया जाता है कि यह दिनांक 16-11-2006 को प्रायश्चित्त दस बजे अदालतन या वकालतन हाजिर आकर पैरवा मुकदमा करें । गैर-हाजिरा को गुरत में कार्यवाही एकपक्षीय अदालत में कई जायेगी ।

आज दिनांक 21-9-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

मोहर ।  
हस्ताक्षरित/-  
सहायक समहर्ता प्रथम श्रेणी,  
गरकाषाट, जिला मण्डो (हि० प्र०) ।

व अदालत श्रीमती श्रीमती महाजन, उप-मण्डल दण्डाधिकारी पांवटा साहिब, जिला सिरमौर, हिमाचल प्रदेश

श्री Palgun सुपुत्र श्री Phurdun, निवासो Bhuppur, तहसील पांवटा साहिब, जिला सिरमौर, हिमाचल प्रदेश ।

वनाम  
आम जनता

उपरोक्त प्रायश्चित्तन-प्रथम श्री Palgun सुपुत्र श्री Phurdun, निवासो Bhuppur, तहसील पांवटा साहिब, जिला सिरमौर, हिमाचल प्रदेश ने अधीन धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 के अंतर्गत प्रस्तुत करके प्रायश्चित्त की है कि उनकी पुत्री Tsering Wangmo जिसकी जन्म तिथि 15-3-1984 है का नाम ग्राम पंचायत Bhatanwali के रिकार्ड में दर्ज नहीं करवाया गया है । जिसे प्रायश्चित्त अब दर्ज करवाना चाहता है ।

अतः सर्वसाधारण को इस इस्तहार द्वारा सूचित किया जाता है कि इस सम्बन्ध में यदि किसी व्यक्ति को उजर या एतराज हो तो वह स्वयं अथवा अपने प्रतिनिधि द्वारा मिति 11-11-2006 को सुबह दस बजे इस अदालत में उपस्थित आकर प्रस्तुत करे वसूत दोगर कुमारी Tsering Wangmo का नाम एवं जन्म तिथि को दर्ज करने के आदेश जारी कर दिये जायेंगे ।

आज दिनांक 11-10-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

मोहर ।  
श्रीमती महाजन,  
कार्यकारी दण्डाधिकारी पांवटा साहिब,  
जिला सिरमौर, हिमाचल प्रदेश ।

व अदालत श्रीमती श्रीमती महाजन, उप-मण्डल दण्डाधिकारी पांवटा साहिब, जिला सिरमौर, हिमाचल प्रदेश

श्री Phurbu Tsering पुत्र श्री Wangdu, Norbu निवासो Tibetan Colony Bhuppur, तहसील पांवटा साहिब, जिला सिरमौर, हिमाचल प्रदेश ।

वनाम  
आम जनता

उपरोक्त प्रायश्चित्तन-प्रथम श्री Phurbu Tsering पुत्र श्री Wangdu Norbu, निवासो Bhuppur, तहसील पांवटा साहिब, जिला

सिरमौर, हिमाचल प्रदेश ने अधीन धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 के अंतर्गत प्रस्तुत करके प्रायश्चित्त की है कि उनकी पुत्री Tenzinkyizom जिसकी जन्म तिथि 28-2-1986 है का नाम ग्राम पंचायत Bhatanwali के रिकार्ड में दर्ज नहीं करवाया गया है जिसे प्रायश्चित्त अब दर्ज करवाना चाहता है ।

अतः सर्वसाधारण को इस इस्तहार द्वारा सूचित किया जाता है कि इस सम्बन्ध में यदि किसी व्यक्ति को उजर या एतराज हो तो वह स्वयं अथवा अपने प्रतिनिधि द्वारा मिति 11-11-2006 को सुबह दस बजे इस अदालत में उपस्थित आकर प्रस्तुत करे वसूत दोगर कुमारी Tenzin Kyizom का नाम एवं जन्म तिथि को दर्ज करने के आदेश जारी कर दिये जायेंगे ।

आज दिनांक 11-11-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

मोहर ।  
श्रीमती महाजन,  
कार्यकारी दण्डाधिकारी,  
पांवटा साहिब, जिला सिरमौर (हि० प्र०) ।

व अदालत श्रीमती श्रीमती महाजन, उप-मण्डल दण्डाधिकारी, पांवटा साहिब, जिला सिरमौर, हिमाचल प्रदेश

श्री Phurbu Tsering सुपुत्र श्री Wangdu Norbu, निवासो Tibetan Society, तहसील पांवटा साहिब, जिला सिरमौर ।

वनाम

आम जनता

उपरोक्त प्रायश्चित्तन-प्रथम श्री Phurbu Tsering सुपुत्र श्री Wangdu Norbu, निवासो Bhuppur, तहसील पांवटा साहिब जिला सिरमौर, हिमाचल प्रदेश ने अधीन धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 के अंतर्गत प्रस्तुत करके प्रायश्चित्त की है कि उनके पुत्र Phunt Sok Wangdu जिसकी जन्म तिथि 17-3-1990 है का नाम ग्राम पंचायत Bhatanwali के रिकार्ड में दर्ज नहीं करवाया गया है । जिसे प्रायश्चित्त अब दर्ज करवाना चाहता है ।

अतः सर्वसाधारण को इस इस्तहार द्वारा सूचित किया जाता है कि इस सम्बन्ध में यदि किसी व्यक्ति को उजर या एतराज हो तो वह स्वयं अथवा अपने प्रतिनिधि द्वारा मिति 11-11-2006 को सुबह दस बजे इस अदालत में उपस्थित आकर प्रस्तुत करे वसूत दोगर श्री Phunt Sok Wangdu का नाम एवं जन्म तिथि को दर्ज करने के आदेश जारी कर दिये जायेंगे ।

आज दिनांक 11-10-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

मोहर ।  
श्रीमती महाजन,  
उप-मण्डल दण्डाधिकारी,  
पांवटा साहिब, जिला सिरमौर, हिमाचल प्रदेश ।

व अदालत श्रीमती श्रीमती महाजन उप-मण्डल दण्डाधिकारी, पांवटा साहिब, जिला सिरमौर (हि० प्र०)

श्रीमती Tsering Doker wd/o Late Shri Rither, निवासो Bhuppur, तहसील पांवटा साहिब, जिला सिरमौर (हि० प्र०) ।

वनाम

आम जनता

उपरोक्त प्रायश्चित्तन-प्रथम श्रीमती Tsering Doker wd/o Late श्री Rither, निवासो Bhuppur, तहसील पांवटा साहिब, जिला सिरमौर, हिमाचल प्रदेश ने अधीन धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 के अंतर्गत प्रस्तुत करके प्रायश्चित्त की है कि

उनकी पुत्र Wangden Tashi जिसकी जन्म तिथि 15-9-1988 है का नाम ग्राम पंचायत Bhattan Wali के रिकार्ड में दर्ज नहीं करवाया गया है। जिसे प्राचीन दर्ज करवाना चाहता है।

अतः सर्वसाधारण को इस इस्तहार द्वारा सूचित किया जाता है कि इस सम्बन्ध में यदि किसी व्यक्ति को उजर या एतराज हो तो वह स्वयं अथवा अपने प्रतिनिधि द्वारा मिति 11-11-2006 को सुबह दस बजे इस अदालत में उपस्थित आकर प्रस्तुत करे वसुरत दोगर कुमार Wangden Tashi का नाम एवं जन्म तिथि को दर्ज करने के आदेश जारी कर दिये जावेंगे।

आज्ञ दिनांक 11-10-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर। श्रीमती श्रीमती महाजन, उप-मण्डल दण्डाधिकारी, पाँवटा साहिब, जिला सिरमौर, हिमाचल प्रदेश।

व अदालत श्रीमती श्रीमती महाजन उप-मण्डल दण्डाधिकारी, पाँवटा साहिब, जिला सिरमौर, हिमाचल प्रदेश

श्रीमती Tsering Doker wd/o Late Sh. Rither वाली Bhuppur, तहसील पाँवटा साहिब, जिला सिरमौर, हिमाचल प्रदेश।

वनाम

ग्राम जनता

उपरोक्त प्रायना-पत्र श्री Tsering Doker wd/o Late Shri Rither, निवासी Bhuppur तहसील पाँवटा साहिब, जिला सिरमौर (हि० प्र०) ने अधीन धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 के अन्तर्गत प्रस्तुत करके प्रायना की है कि उनके पुत्री Ngawang Lhamo जिस जन्म तिथि 23-9-1987 है, का नाम ग्राम पंचायत Bhattan Wali के रिकार्ड में दर्ज नहीं करवाया गया है। जिसे प्राचीन दर्ज करवाना चाहता है।

अतः सर्वसाधारण को इस इस्तहार द्वारा सूचित किया जाता है कि इस सम्बन्ध में किसी व्यक्ति को उजर या एतराज हो तो वह स्वयं अथवा अपने प्रतिनिधि द्वारा मिति 11-11-2006 को सुबह दस बजे इस अदालत में उपस्थित आकर प्रस्तुत करे। वसुरत दोगर कुमारी Ngawang Lhamo का नाम एवं जन्म तिथि को दर्ज करने के आदेश जारी कर दिये जावेंगे।

आज्ञ दिनांक 11-10-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर। श्रीमती महाजन, उप-मण्डल दण्डाधिकारी, पाँवटा साहिब, जिला सिरमौर, हिमाचल प्रदेश।

व अदालत श्रीमती श्रीमती महाजन उप-मण्डल दण्डाधिकारी, पाँवटा साहिब, जिला सिरमौर, हिमाचल प्रदेश

श्री Phurbu Tsering पुत्र श्री wd/o Norbu, निवासी Tibetan colony Bhuppur, तहसील पाँवटा साहिब, जिला सिरमौर (हि० प्र०)।

वनाम

ग्राम जनता

उपरोक्त प्रायना-पत्र श्री Phurbu Tsering पुत्र श्री Wangdu Norbu, निवासी Bhuppur, तहसील पाँवटा साहिब, जिला सिरमौर, हिमाचल प्रदेश ने अधीन धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 के अन्तर्गत प्रस्तुत करके प्रायना की है कि उनके पुत्री Tenzin Yangkyi जिसकी जन्म तिथि

1-1-1984 है का नाम ग्राम पंचायत Bhattan Wali के रिकार्ड में दर्ज नहीं करवाया गया है जिसे प्राचीन दर्ज करवाना चाहता है।

अतः सर्वसाधारण को इस इस्तहार द्वारा सूचित किया जाता है कि इस सम्बन्ध में यदि किसी व्यक्ति को उजर या एतराज हो तो वह स्वयं अथवा अपने प्रतिनिधि द्वारा मिति 11-11-2006 को सुबह दस बजे इस अदालत में उपस्थित आकर प्रस्तुत करे। वसुरत दोगर कुमारी Tenzin Yangkyi का नाम एवं जन्म तिथि को दर्ज करने के आदेश जारी कर दिये जावेंगे।

आज्ञ दिनांक 11-10-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर। श्रीमती महाजन, उप-मण्डल दण्डाधिकारी, पाँवटा साहिब, जिला सिरमौर (हि० प्र०)।

व अदालत श्रीमती श्रीमती महाजन, उप-मण्डल दण्डाधिकारी, पाँवटा साहिब, जिला सिरमौर, हिमाचल प्रदेश

श्री Palgun पुत्र श्री Paurdun, निवासी Bhuppur, तहसील पाँवटा साहिब, जिला सिरमौर, हिमाचल प्रदेश।

वनाम

ग्राम जनता

उपरोक्त प्रायना-पत्र श्री Palgun पुत्र श्री Paurdun, निवासी Bhuppur, तहसील पाँवटा साहिब, जिला सिरमौर (हि० प्र०) ने अधीन धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 के अन्तर्गत प्रस्तुत करके प्रायना की है कि उनके पुत्री Tenzin Dolma जिसकी जन्म तिथि 11-4-1991 है का नाम ग्राम पंचायत Bhattan Wali के रिकार्ड में दर्ज नहीं है। जिसे प्राचीन दर्ज करवाना चाहता है।

अतः सर्वसाधारण को इस इस्तहार द्वारा सूचित किया जाता है कि इस सम्बन्ध में यदि किसी व्यक्ति को उजर या एतराज हो तो वह स्वयं अथवा अपने प्रतिनिधि द्वारा मिति 11-11-2006 को सुबह दस बजे इस अदालत में उपस्थित आकर प्रस्तुत करे वसुरत दोगर कुमारी Tenzin Dolma का नाम एवं जन्म तिथि को दर्ज करने के आदेश जारी कर दिये जावेंगे।

आज्ञ दिनांक 11-10-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर। श्रीमती महाजन, उप-मण्डल दण्डाधिकारी, पाँवटा साहिब, जिला सिरमौर, हिमाचल प्रदेश।

व अदालत श्रीमती श्रीमती महाजन, उप-मण्डल दण्डाधिकारी, पाँवटा साहिब, जिला सिरमौर, हिमाचल प्रदेश

श्री Palgun पुत्र श्री Paurdun, निवासी Bhuppur, तहसील Paonta Sahib, जिला सिरमौर, हिमाचल प्रदेश।

वनाम

ग्राम जनता

उपरोक्त प्रायना-पत्र श्री Palgun पुत्र श्री Paurdun, निवासी Bhuppur, तहसील पाँवटा साहिब, जिला सिरमौर (हि० प्र०) ने अधीन धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 के अन्तर्गत प्रस्तुत करके प्रायना की है कि उनके पुत्री Daondup Wangmo जिसकी जन्म तिथि 10-6-1995 है का नाम ग्राम पंचायत Bhattan Wali के रिकार्ड में दर्ज नहीं करवाया गया है। जिसे प्राचीन दर्ज करवाना चाहता है।

प्रतः सर्वसाधारण को इस इस्तहार द्वारा सूचित किया जाता है कि इस सम्बन्ध में यदि किसी व्यक्ति को उजर या एतराज हो तो वह स्वयं या अपने प्रतिनिधि द्वारा मिति 11-11-2006 को सुबह दस बजे इस अदालत में उपस्थित आकर प्रस्तुत करे वसुरत दीपर कुमारी Dhondup Wangmo का नाम एवं जन्म तिथि को दर्ज करने के आदेश जारी कर दिये जायेंगे।

आज दिनांक 11-10-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर। प्रमिता महाजन,  
उप-मण्डल दण्डाधिकारी,  
पाँवटा साहिब, जिला सिरमौर (हि0 प्र0)।

व अदालत प्रीनली प्रमिता महाजन, उप-मण्डल दण्डाधिकारी,  
पाँवटा साहिब, जिला सिरमौर, हिमाचल प्रदेश

श्री Palgun पुत्र श्री Phurdun, निवासी Bhuppur,  
तहसील पाँवटा साहिब, जिला सिरमौर (हि0 प्र0)।

बनाम

काम जनता

उपरोक्त प्रार्थना पत्र श्री Palgun पुत्र श्री Phurdun, निवासी Bhuppur, तहसील पाँवटा साहिब, जिला सिरमौर हि0 प्र0 ने अधीन धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 के अन्तर्गत प्रस्तुत करके प्रार्थना की है कि उनके पुत्र Tenzin Kuniab जिसकी जन्म तिथि 1-1-1993 है का नाम ग्राम पंचायत Bhatan Wali के रिकार्ड में दर्ज नहीं करवाया गया है। जिसे प्रार्थी धन दर्ज करवाना चाहता है।

प्रतः सर्वसाधारण को इस इस्तहार द्वारा सूचित किया जाता है कि इस सम्बन्ध में यदि किसी व्यक्ति को उजर या एतराज हो तो वह स्वयं अपने प्रतिनिधि द्वारा मिति 11-11-2006 को सुबह दस बजे इस अदालत में उपस्थित आकर प्रस्तुत करे वसुरत दीपर श्री Tenzin Kunkyab का नाम व जन्म तिथि को दर्ज करने के आदेश पारित कर दिये जायेंगे।

आज दिनांक 11-10-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर। प्रमिता महाजन,  
उप-मण्डल दण्डाधिकारी,  
पाँवटा साहिब, जिला सिरमौर (हि0 प्र0)।

व अदालत तहसीलदार एवं महाप्रका मनाहता प्रथम श्रेणी पाँवटा साहिब, जिला सिरमौर, हिमाचल प्रदेश

मिसल नं0 : 42/04

तारीख देवी : 14-11-2006

मिसल नकाराग जेर धारा 123 म न्याय्य अधिनियम, 1954  
नका मोठा धम्बोया, जिला सिरमौर, हिमाचल प्रदेश।

नोटिस बनाम प्रतिवादीगण

नम्बर (3) श्रीमती नीरजा कुमारी पुत्री ख0 कंवर रमेश कुमार, निवासी देहरादून (उत्तरांचल)।

मकहमा उपरोक्त में प्रतिवादीगण की समन भेजे गए दिवस उनकी मकहमा गयी पने सामान न होने के कारण हो पा रही है।  
प्रतः उपर्युक्त प्रतिवादीगण को इस इस्तहार से सूचित किया जाता है वे उपरोक्त मकहमा की परकी या प्रमात्तन या अमानतन मिति 14-11-2006 को प्रातः 10.00 बजे हाजिर अदालत होने अनपरा या फिर हाजरी की मूरत में कार्यवाही एतराज समन में लाई जायेंगी।

आज दिनांक 12-9-2006 को मेरे हस्ताक्षर व कार्यालय, मोहर अदालत द्वारा जारी किया गया।

मोहर।

हस्ताक्षरित/-  
सहायक सभाहता प्रथम श्रेणी,  
पाँवटा साहिब, जिला सिरमौर, हिमाचल प्रदेश।

व अदालत श्री राज सिंह, कार्यकारी दण्डाधिकारी एवं नायब तहसीलदार,  
रोनहाट, जिला सिरमौर, हिमाचल प्रदेश

व मकहमा:—

श्री जगत सिंह पुत्र श्री रेलू राम, ग्राम कोटी, उप-तहसील रोनहाट, जिला सिरमौर, हिमाचल प्रदेश।

बनाम

ग्राम जनता

प्रार्थना-पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्री जगत सिंह पुत्र श्री रेलू राम, ग्राम कोटी ने इस न्यायालय में ध्यान हल्की सहित एक प्रार्थन-पत्र पेश किया है कि उसके पुत्र कमलेश को जन्म मिति 3-9-2000 को हुआ है, परन्तु ग्राम पंचायत कोटी-बोंच के रिकार्ड में उसका नाम व जन्म तिथि दर्ज नहीं है। प्रार्थी इसे ग्राम पंचायत कोटी-बोंच के रिकार्ड में दर्ज करवाना चाहता है।

प्रतः ग्राम जनता व सम्बन्धित रिश्तेदारों को इस अदालती इस्तहार द्वारा सूचित किया जाता है कि अगर उपरोक्त बारे किसी को कोई उजर व एतराज हो तो वह दिनांक 11-11-2006 को प्रातः 10.00 बजे या इससे पूर्व अपने एतराज अधोहस्ताक्षरी के न्यायालय में पेश कर सकता है।

यदि उपरोक्त वर्णित तिथि को किसी भी व्यक्ति का कोई भी उजर या एतराज इस न्यायालय में प्राप्त नहीं होता है, तो इस न्यायालय द्वारा नाम व जन्म तिथि दर्ज करने बारे ग्राम पंचायत कोटी-बोंच को आदेश पारित कर दिए जायेंगे।

आज दिनांक 11-10-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

राज सिंह,  
कार्यकारी दण्डाधिकारी एवं नायब तहसीलदार,  
रोनहाट, जिला सिरमौर, हिमाचल प्रदेश।

व अदालत श्री राज सिंह, कार्यकारी दण्डाधिकारी रोनहाट, जिला सिरमौर, हिमाचल प्रदेश

श्रीमती उलता देवी पत्नी श्री मनबहादुर, ग्राम जरवा, उप-तहसील रोनहाट।

बनाम

ग्राम जनता

प्रार्थना-पत्र बराए दस्तकी बारे।

श्रीमती उलता देवी पत्नी श्री मनबहादुर, ग्राम जरवा ने इस न्यायालय में ध्यान हल्की सहित एक प्रार्थना-पत्र दिया कि श्री मोहन लाल उसका हकीकी पुत्र है, परन्तु ग्राम पंचायत जरवा-जुनैनी के रिकार्ड में मोहन लाल के पिता का नाम श्री राजू राम दर्ज है, जबकि मोहन लाल के पिता का हकीकी नाम श्री मनबहादुर है। प्रार्थी इसे ग्राम पंचायत जरवा-जुनैनी के रिकार्ड में दुस्तत करवाना चाहती है।

प्रतः सर्वसाधारण को इस अदालती इस्तहार द्वारा सूचित किया जाता है कि अगर उपरोक्त बारे किसी भी व्यक्ति को कोई

उजरे एतराज हो तो वह दिनांक 11-11-2006 को प्रातः 10.00 बजे या इससे पूर्व अपने उजर या एतराज अस्मालतन या वकालतन अधोहस्ताक्षरी के न्यायालय में पेश कर सकता है।

यदि उपरोक्त वर्णित तिथि को किसी का कोई उजर या एतराज इस न्यायालय को प्राप्त नहीं होता है, तो इस न्यायालय द्वारा प्राथमिकतः उपरोक्त पर आगामी कार्यवाही कर दी जावेगी।

प्राज दिनांक 11-10-2006 को हमारे हस्ताक्षर व मोहर सहित प्रकाशित से जारी हुआ।

मोहर।

राज सिंह,  
कार्यकारी दण्डाधिकारी एवं नायब तहसीलदार,  
रोनहाट, जिला सिरमौर, हिमाचल प्रदेश।

व अदालत श्री राज सिंह, कार्यकारी दण्डाधिकारी एवं नायब तहसीलदार, रोनहाट, जिला सिरमौर (हि 0 प्र 0)

व मुकद्दमा:

श्री रती राम पुत्र श्री प्रेम सिंह, ग्राम रास्त, उप तहसील रोनहाट।

बनाम

ग्राम जनता

प्राथमिक पत्र बराए दस्तवी वारे।

श्री रती राम पुत्र श्री प्रेम सिंह, ग्राम रास्त ने इस न्यायालय में ध्यान हल्की सहित एक प्रार्थना पत्र दिया है कि मोहन सिंह उसका हकीकी पुत्र है परन्तु ग्राम पंचायत रास्त के रिकार्ड में मोहन सिंह प्राथमिक भाई मोही राम के नाम दर्ज है, जो कि गलत है। प्रार्थी इसे दुरुस्त करवाना चाहता है।

मतः ग्राम जनता व सम्बन्धित रिश्तेदारों को इस अदालती इस्तहार द्वारा सूचित किया जाता है कि अगर इस वारे किसी को कोई उजर या एतराज हो तो वह दिनांक 11-11-2006 को प्रातः 10.00 बजे या इससे पूर्व अपने उजर या एतराज अधोहस्ताक्षरी के न्यायालय में प्रस्तुत कर सकता है।

यदि उपरोक्त वर्णित तिथि को किसी का कोई उजर या एतराज इस न्यायालय को प्राप्त नहीं होता है तो इस न्यायालय द्वारा दुरुस्ती वारे ग्राम पंचायत रास्त को आदेश पारित कर दिए जाएंगे।

प्राज दिनांक 11-10-2006 को मेरे हस्ताक्षर व मोहर न्यायालय द्वारा जारी हुआ।

मोहर।

राज सिंह,  
कार्यकारी दण्डाधिकारी एवं नायब तहसीलदार,  
रोनहाट, जिला सिरमौर (हि 0 प्र 0)।

व अदालत श्री राज सिंह, कार्यकारी दण्डाधिकारी एवं नायब तहसीलदार, उप तहसील रोनहाट, जिला सिरमौर, हिमाचल प्रदेश

व मुकद्दमा:

श्री सुन्दर सिंह पुत्र श्री सिधा राम, ग्राम दुन्डाडी (अजरोली) उप-तहसील रोनहाट।

बनाम

ग्राम जनता

प्राथमिक पत्र बराए दस्तवी वारे।

श्री सुन्दर सिंह पुत्र श्री सिधा राम, ग्राम दुन्डाडी (अजरोली), न्यायालय में ध्यान हल्की सहित एक प्रार्थना-पत्र दिया है कि श्री रती राम देवी उसकी हकीकी पत्नी व मन्दीप व सुरज उसके हकीकी बच्चे हैं, परन्तु ग्राम पंचायत अजरोली के पंचायती रिकार्ड में उपरोक्त सभी सदस्य उमर भाई गुमान सिंह के नाम दर्ज हैं, जो कि गलत है। प्रार्थी इसे दुरुस्त करवाना चाहता है।

मतः ग्राम जनता व सम्बन्धित रिश्तेदारों को इस अदालती इस्तहार द्वारा सूचित किया जाता है कि अगर उपरोक्त वारे किसी को कोई उजर या एतराज हो तो वह दिनांक 11-11-2006 को प्रातः 10.00 बजे या इससे पूर्व अपने उजर या एतराज अधोहस्ताक्षरी के न्यायालय में अस्मालतन या वकालतन पेश कर सकता है। यदि उजरेने मियाद कोई भी उजर या एतराज कानिसे समाप्त न होया और प्राथमिकतः उपरोक्त पर आगामी कार्यवाही अमल में लाई जावेगी।

प्राज दिनांक 11-10-2006 को मेरे हस्ताक्षर व मोहर न्यायालय द्वारा जारी हुआ।

मोहर।

राज सिंह,  
कार्यकारी दण्डाधिकारी एवं नायब तहसीलदार,  
रोनहाट, जिला सिरमौर (हि 0 प्र 0)।

व अदालत श्री राज सिंह, कार्यकारी दण्डाधिकारी एवं नायब तहसीलदार, रोनहाट, जिला सिरमौर, हिमाचल प्रदेश

व मुकद्दमा:

श्री कल्याण सिंह पुत्र श्री सोहन सिंह, ग्राम भगनाडी (अकान्डी) उप तहसील रोनहाट।

बनाम

ग्राम जनता

प्राथमिक पत्र बराए दस्तवी वारे।

श्री कल्याण सिंह पुत्र श्री सोहन सिंह, ग्राम भगनाडी ने इस न्यायालय में ध्यान हल्की सहित एक प्रार्थना-पत्र पेश किया है कि श्रीमती धर्मा देवी उनकी हकीकी पत्नी व कु 0 सुनीता, रमेश, रीता, कपोल हकीकी बच्चे हैं परन्तु उपरोक्त सभी सदस्य ग्राम पंचायत अकान्डी के रिकार्ड में उनके भाई श्री लाल सिंह के नाम दर्ज हैं, जो कि गलत है। नया श्रीमती विद्या देवी उसके भाई लाल सिंह की हकीकी पत्नी व श्रमंत सिंह, चमेन सिंह, पवन कुमार उसके भाई लाल सिंह के हकीकी बच्चे हैं, जो कि ग्राम पंचायत अकान्डी के रिकार्ड में श्री कल्याण सिंह के नाम दर्ज हैं। प्रार्थी ग्राम पंचायत अकान्डी के रिकार्ड में दुरुस्त करवाना चाहता है।

मतः सर्वसाधारण को इस अदालती इस्तहार द्वारा सूचित किया जाता है कि अगर उपरोक्त वारे किसी को कोई एतराज हो तो वह दिनांक 11-11-2006 को या इससे पूर्व अधोहस्ताक्षरी के न्यायालय में अपने उजर या एतराज प्रस्तुत कर सकता है।

यदि उपरोक्त वर्णित तिथि को किसी को व्यक्ति का कोई उजर या एतराज इस न्यायालय को प्राप्त नहीं होता है तो उपरोक्त दुरुस्ती वारे ग्राम पंचायत अकान्डी को आदेश जारी कर दिए जावेंगे।

प्राज दिनांक 11-10-2006 को मेरे हस्ताक्षर व मोहर न्यायालय द्वारा जारी हुआ।

मोहर।

राज सिंह,  
कार्यकारी दण्डाधिकारी एवं नायब तहसीलदार,  
रोनहाट, जिला सिरमौर (हि 0 प्र 0)।

व अदालत श्री राज सिंह, कार्यकारी दण्डाधिकारी एवं नायब तहसीलदार, रोनहाट, जिला सिरमौर, हिमाचल प्रदेश

व मुकद्दमा:

सही राम पुत्र वीर सिंह, ग्राम रास्त, उप तहसील रोनहाट।

बनाम

ग्राम जनता

प्राथमिक पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969

श्री सही राम मुख वीर सिंह, ग्राम रास्त में इस न्यायालय में ध्यान हल्की सहित प्रार्थना-पत्र दिया है कि अंकित का जन्म दिनांक

30 मार्च, 2001 को हुआ है। परन्तु उसके जन्म की तारीख व नाम ग्राम पंचायत रास्ते के रिकार्ड में दर्ज नहीं है। प्रार्थी इसे पंचायत रिकार्ड में दर्ज करवाना चाहता है।

अतः सर्वसाधारण को इस इशतहार के माध्यम से सूचित किया जाता है कि अगर इस बारे में किसी को कोई उजर या एतराज हो तो वह दिनांक 11-11-2006 को या उससे पूर्व अधोहस्ताक्षरी के न्यायालय में अपने उजर या एतराज प्रस्तुत कर सकता है।

यदि उपरोक्त वर्णित तिथि को किसी भी व्यक्ति का कोई उजर या एतराज इस न्यायालय को प्राप्त नहीं होता है तो इस न्यायालय द्वारा प्रार्थनापत्र उपरोक्त पर आगामी कार्यवाही कर दी जावेगी।

आज दिनांक 11-10-2006 को मेरे हस्ताक्षर व मोहर न्यायालय द्वारा जारी हुआ।

मोहर। राज सिंह,  
कार्यकारी दण्डाधिकारी एवं नायब तहसीलदार,  
उप तहसील रोनहाट, जिला मिरमौर, हिमाचल प्रदेश।

व अदालत श्री राज सिंह, कार्यकारी दण्डाधिकारी एवं नायब तहसीलदार, उप-तहसील रोनहाट, जिला मिरमौर (हि0 प्र0)

व मुकद्दमा :

श्री किरपा राम पुत्र श्री रतौ राम, ग्राम कोटी, उप-तहसील रोनहाट।

वनाम

ग्राम जनता

प्रार्थनापत्र धारण दुस्ती वारे।

श्री किरपा राम पुत्र श्री रतौ राम, ग्राम कोटी : इस अदालत में ग्राम हस्ताक्षर एक प्रार्थनापत्र दिया है कि उसके पिता का नाम श्री रतौ राम है, परन्तु ग्राम पंचायत कोटी-बोंच के पंचायत रिकार्ड में उसके पिता का नाम श्री रूप सिंह दर्ज है, जो कि गलत है। प्रार्थी इस गलती को ठीक करवाना चाहता है।

अतः सर्वसाधारण को इस अदालत इशतहार द्वारा सूचित किया जाता है कि अगर इस बारे में किसी भी व्यक्ति अथवा सम्बन्धित रिस्तेदारों को कोई उजर या एतराज हो तो वह दिनांक 11-11-2006 को प्रातः 10.00 बजे या उससे पूर्व अपने उजर या एतराज अदालत या वकालत पेश कर सकता है।

यदि उपरोक्त वर्णित तिथि को किसी भी व्यक्ति का कोई उजर या एतराज प्राप्त नहीं होता है, तो इस न्यायालय द्वारा श्री किरपा राम के पिता का नाम दुस्ती करने वाले ग्राम पंचायत कोटी-बोंच को आदेश पारित कर दिया जाएगा।

आज दिनांक 11-10-06 को मेरे हस्ताक्षर व मोहर न्यायालय द्वारा जारी हुआ।

मोहर। राज सिंह,  
कार्यकारी दण्डाधिकारी एवं नायब तहसीलदार,  
उप-तहसील रोनहाट, जिला मिरमौर, हिमाचल प्रदेश।

व अदालत श्री विद्याधर नेगी, कार्यकारी दण्डाधिकारी, कण्डाघाट, जिला सोलन (हि0 प्र0)

श्रीमती गंगा देवी पुत्री श्री बाला राम, निवासी ग्राम सिलहारी, तहसील कण्डाघाट, जिला सोलन, हिमाचल प्रदेश

वनाम

जनरल पब्लिक (सर्वसाधारण)

प्रतिवादी।

प्रार्थनापत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 के अन्तर्गत जन्म तिथि दर्ज करने वारे।

श्रीमती गंगा देवी पुत्री श्री बाला राम, निवासी ग्राम सिलहारी, तहसील कण्डाघाट, जिला सोलन, हिमाचल प्रदेश ने इस न्यायालय में शपथपत्र सहित प्रार्थनापत्र दिया है कि उसकी जन्म तिथि 5-5-1968 है जिसका जन्म सिलहारी गांव में हुआ है लेकिन जन्म तिथि समय पर ग्राम पंचायत कचारा के अभिलेख में दर्ज नहीं करवाई जा सकी है। अब दर्ज करने के आदेश जारी किए जाएं।

अतः इस इशतहार द्वारा सर्वसाधारण एवं आम जनता को सूचित किया जाता है कि यदि किसी को इस बारे में कोई उजर या एतराज हो तो वह दिनांक 15-11-2006 को प्रातः 10 बजे या इससे पूर्व किसी भी कार्य दिवस के दिन अदालत या वकालत हाजिर अदालत या कर एतराज पेश कर सकता है अन्यथा अग्रिम हाजरी में कार्यवाही एकतरफा अग्रिम में लाई जाएगी और उपरोक्त गंगा देवी का नाम व जन्म तिथि सम्बन्धित रजिस्ट्रार जन्म एवं मृत्यु को दर्ज करने के आदेश जारी कर दिए जावेंगे।

आज दिनांक 6-10-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी किया गया।

मोहर।

विद्याधर नेगी,  
कार्यकारी दण्डाधिकारी,  
कण्डाघाट, जिला सोलन, हिमाचल प्रदेश।

व अदालत श्री चैन सिंह ठाकुर, तहसीलदार एवं कार्यकारी दण्डाधिकारी जना, तहसील व जिला जना

मुकद्दमा :

मृत्यु निधि प्रकाशन वारे।

श्रीमती जीला रानी वनाम ग्राम जनता

नोटिस वनाम ग्राम जनता।

श्रीमती जीला रानी पत्नी श्री मंगल राम, निवासी बहजाला, तहसील व जिला जना ने इस अदालत में दरखवास्त गुजारी है कि उसके पति मंगल राम को मृत्यु किसी कारणवश ग्राम पंचायत मृत्यु रजिस्ट्रार में दर्ज न करवाई जा सके है जो कि अग्र करवाई जाए। प्रार्थना ने मृतक को मृत्यु तिथि 28-8-1982 बताई है तथा मृत्यु स्थान गांव बहजाला बताया है।

अतः इस नोटिस के माध्यम से समस्त जनता को तथा सम्बन्धित रिस्तेदारों को सूचित किया जाता है कि यदि किसी को उसके मृतक की मृत्यु तिथि दर्ज करने वारे कोई उजर/एतराज हो तो वह दिनांक 16-11-2006 को सुबह 10.00 बजे अधोहस्ताक्षरी के समक्ष अदालत या वकालत हाजिर आकर पेश कर सकता है अन्यथा उपरोक्त मृत्यु का पंजीकरण करने के आदेश दिए जाएंगे।

आज दिनांक 12-10-2006 को हमारे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर। चैन सिंह ठाकुर,  
तहसीलदार एवं कार्यकारी दण्डाधिकारी,  
जना, तहसील व जिला जना (हि0 प्र0)

## भाग 6—भारतीय राजपत्र द्वारा विधि में से पुनः प्रकाशन

न्याय-

भाग 7—भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

न्याय-

अनुपूरक

न्याय-



## LABOUR &amp; EMPLOYMENT DEPARTMENT

## NOTIFICATION

Shimla-2, the 31st August, 2005.

No. Shram (A)/1/2005.—In exercise of powers vested in him under section 17(1) of the Industrial Disputes Act, 1947, the Governor, Himachal Pradesh is pleased to order the publication of award pronounced by the Presiding Officer, Labour Court, Shimla of the following cases in the H.P. Rajpatra:—

Sl. No. & Case No.	Title of case	Date of Award
1	2	3
1. Ref. No. 33/2000	Sh. Rajpal Jswal Vs. M/s Ganesh Floor Mills, Baddi, Teh. Nalagarh through its proprietor.	2-1-2006
2. Ref. No. 68/2000	Sh. Kaminder Singh Vs. Dy. director Agriculture, Nahan & Ors.	3-1-2006
3. Ref. No. 132/2000	Sh. Dhayan Singh Vs. R.M. HRTC, Tara Devi Unit.	3-1-2006
4. Ref. No. 76/2005	Karamchhari Union Vs. M/s Asla Security Services C/o M/s Gabriel India Ltd. Parwanoo, Distt. Solan.	3-1-2006
5. Ref. No. 145/2001	Sh. Joginder Dutt & Ors. Vs. XEN HPSEB, Nalagarh, Distt. Solan.	4-1-2006
6. Ref. No. 75/2000	Sh. Sumer Chand Vs. Conservator of Forests, Nahan & Ors.	4-1-2006
7. Ref. No. 99/2000	Sh. Hakam Deen Vs. Manager, M/s United Vanaspati Ltd. Manjholi, Nalagarh, Distt. Solan.	4-1-2006
8. Ref. No. 316/2001	Sh. Dhani Ram Vs. M.D.H.P.T.D. C. Shimla	4-1-2006
9. Ref. No. 133/2003	Sh. Surjeet Singh Vs. Manager, Gurrat Auto Service, Bauloe Chowk, Shimla.	6-1-2006
10. Ref. No. 98/2002	Sh. Vidya Sagar Vs. Finance Corporation through its M.D., Shimla & Ors.	10-1-2006
11. Ref. No. 240/98	Sh. Pal Chand Vs. XEN, IPH Division, Solan.	10-1-2006
No. 69/2005	Sh. Din Dayal Vs. M.D. M/s United Poly Fab. Barotiwala, Distt. Solan.	12-1-2006
13. Ref. No. 131/03	Sh. Ashok Kumar Vs. Magtronics Component, Parwanoo, Distt. Solan.	12-1-2006
14. Ref. No. 66/2005	Smt. Madu Bala Vs. G. M., M/s Pushpawati Spinning & Weaving Mill Kala Amb.	12-1-2006
15. Ref. No. 257/03	Sh. Hari Singh Vs. Manager (Personnal) M/s Him Technoforge Ltd. Baddi, Distt. Solan.	13-1-2006

1	2	3
16. Ref. No. 231/02	Sh. Bala Ram Vs. D.F.O. Rajgarh Division.	13-1-2006
17. Ref. No. 160/02	Sh. Hardeep Singh Vs. M.D. Globe precision Industries (P) Ltd. Baddi Distt. Solan.	13-1-2006
18. Re. No. 129/2k	Kapra Mazdoor Lal Jhanda Union Baddi through its General Secretary Vs. M/s Birla Textile Mills Baddi, Distt. Solan.	17-1-2006
19. Ref. No. 47/2K	Sh. Ram Rattan Vs. XEN, HPSEB Division Parwanoo, Distt. Solan.	17-1-2006
20. Ref. No. 106/99	Sh. Bhim Singh & Ors. Vs. D.F.O. Rajgarh Division, Distt. Sirmour.	19-1-2006
21. Ref. No. 113/99	Sh. Janak Raj Vs. R.M., HRTC Rampur & Ors.	10-3-2006
22. Ref. No. 123/03	Sh. Babu Ram Vs. M.D. Auto Camps India Ltd. Parwanoo, Distt. Solan.	17-3-2006
23. Ref. No. 199/03	Sh. Prem Kumar & Ors. Vs. State H.P. through the Secretary (Forest) Govt. of H.P. Shimla.	13-3-2006
24. Ref. No. 271/03	Sh. Lachman Dass Vs. M/s Indian Oil Corporation Ltd. & Ors.	16-3-2006
25. Ref. No. 172/03	H.P.S.F.C. Workers Union Vs. M.D. H.P.S.F.C. Ltd., Shimla	23-3-2006
26. Ref. No. 266/03	Sh. Cheyang Lama Vs. D.F.O. Nichhar Division, Distt. Kinnaur.	31-3-2006
27. Ref. No. 267/03	Sh. Yothan Nargru Vs. D.F.O. Nichhar Division, Distt. Kinnaur.	31-3-2006
28. Ref. No. 97/2k	Sh. Anil & Sunil Chaudhary Vs. M.D. M/s Dharam Paul Satya Pal Ltd. Barotiwala, Distt. Solan.	21-3-2006
29. Appl. No. 53/03	Sh. Narata Ram Vs. XEN HPSEB, Parwanoo.	21-3-2006
30. Ref. No. 102/02	Sh. Sanjeev Kumar Vs. Director (Bee Keeping) H.P. Dulpine Lodge, Shimla-2 & Ors.	10-3-2006
31. Ref. No. 83/2005	Sh. Kashmir Singh Vs. M/s Embros Wire Strips Ltd. Parwanoo, Distt. Solan.	22-3-2006
32. Ref. No. 192/02	Sh. Jagdish Chand Vs. XEN, HPPWD Division Arki, Distt. Solan.	6-3-2006
33. Ref. No. 64/2005	Sh. Prem Vs. M.D., HPTDC, Shimla.	8-3-2006

1	2	3	1	2	3
34. Ref. No. 101/05	Sh. Hukam Chand Vs. XEN, HPPWD Kumarsain, Distt. Shimla.	14-3-2006	55. Appl. No. 7/99	Sh. Prem Chand & Ors. Vs. -do-	27-3-2006
35. Ref. No. 19/02	Harbans Lal & Ors. Vs. XEN, HPPWD Division No. 3, Shimla.	24-3-2006	56. Appl. No. 8/99	Sh. Kabi Kumar & Ors. Vs. -do-	27-3-2006
36. Ref. No. 115/01	Sh. Vinay Sawant Vs. Manager M/s Steelit Ltd. Baddi, Distt. Solan.	8-3-2006	57. Appl. No. 9/99	Raj Karan & Ors. Vs. -do-	27-3-2006
37. Ref. No. 90/05	Sh. Vinod Kumar Vs. Registrar, Dr. Y.S. Parmar University of Horticulture Nauni, Distt. Solan.	13-3-2006	58. Appl. No. 10/99	Sh. Hari Chand Vs. -do-	27-3-2006
38. Ref. No. 170/03	Sh. Bhagat Ram Vs. Counterman Pipers (India) Ltd. Nalagarh.	17-3-2006	59. Appl. No. 11/99	Sh. Kashmir Singh Vs. -do-	27-3-2006
39. Ref. No. 102/05	Sh. Payar Chand Vs. Factory Manager Solchorome, System Parwanoo.	20-3-2006			
40. Ref. No. 136/04	Sh. Julfri Ram Vs. Manager, Himalayan Forest Agro Products Pvt. Ltd. Barotiwala, Distt. Solan.	20-3-2006			
41. Ref. No. 96/05	Sh. Sat Dev Vs. Manager Sunil & Company, Baddi.	14-3-2006			
42. Ref. No. 267/02	Sh. Sushil Kumar Vs. XEN, IPH Division, Nahan, Distt. Sirmour.	2-3-2006			
43. Ref. No. 151/02	Sh. Laiq Ram Vs. XEN, HPSEB, Poanta Sahib, Distt. Sirmour.	2-3-2006			
44. Appl. No. 19/99	Sh. Surinder Kumar Vs. Project Manager, NJIV & Others.	22-3-2006			
45. Ref. No. 12/2003	Sh. Datta Rana Vs. D.F.O. Renuka Ji Distt. Sirmour.	24-12-2006			
46. Ref. No. 152/2K	Kapra Mazdoor Lal Jhanda Union Vs. Management of M/s Birla Textile Mills Baddi.	23-2-2006			
47. Ref. No. 175/02	Sh. Gian Chand Vs. Plant Manager, Indian Oil Corporation, Baddi.	20-2-2006			
48. Appl. No. 37/2K	Sh. Kakesh Kumar Vs. Project Manager, NJIV and Ors.	9-3-2006			
49. Appl. No. 1/99	Sh. Chandma Kumar Devedi Vs. Project Manager, NJIV & Others.	27-3-2006			
50. Appl. No. 2/99	Sh. Bharat Naik & Ors. Vs. -do-	27-3-2006			
51. Appl. No. 3/99	Sh. Gurmeet Singh & Ors. Vs. -do-	27-3-2006			
52. Appl. No. 4/99	Sh. Lekh Ram & Ors. Vs. -do-	27-3-2006			
53. Appl. No. 5/99	Sh. Paramjit & Ors. Vs. -do-	27-3-2006			
54. Appl. No. 6/99	Sh. Gian Singh & Ors. Vs. -do-	27-3-2006			

By order,

Secretary.

In the Court of Shri L. N. Sharma, Presiding Judge,  
H. P. Industrial Tribunal-cum-Labour Court, Shimla

Reference No. : 33 of 2000

Instituted on : 24-4-2000

Decided on : 2-1-2006

Shri Raj Pal Jaswal, Ex-Accountant, resident of Moti  
Cottage, Ban Mohalla, Solan (H.P.) . . . . . Petitioner.

Versus

M/s Ganesh Flour Mills, Baddi, Tehsil Nalagarh, Distt.  
Solan (H. P.) thorough its Proprietor . . . . . Respondent.

Reference under section 10 of the Industrial Disputes  
Act, 1947.

For petitioner : Shri Hem Raj, A.R.

For respondent : Ex parte.

## AWARD

The following reference has been received for  
adjudication from the appropriate Government :

"Whether the demand of Shri Rajpal Jaswal, Ex-Accountant for his reinstatement from M/s Ganesh Flour Mills, Plot No. 77 and 169, Baddi, Tehsil Nalagarh, District Solan (H. P.) in spite of submitting the voluntary resignation from service of the management, is legal and justified. If not, to what effect?"

2. The claim has been filed wherein the petitioner has alleged that he was employed as Accountant on 2-8-1996 and his services were terminated by the respondent on 30-4-97. He was drawing Rs. 4000/- per month. Petitioner has raised the industrial dispute claiming the re-instatement in service. The Conciliation Officer has fixed several conciliation meetings to resolve the dispute, but the same could not be settled. He has alleged that the services were illegally terminated by the respondent without any notice or payment of compensation. The termination is in violation of the law and is bad. He prayed for the relief.

The claim petition has been strongly contested by the respondent taking preliminary objection that the petition is not maintainable as there is no industrial dispute pending between the parties. On merits, they have only admitted that the petitioner joined their service on 1-8-1996, but left the same on 30-4-1998. The services of the petitioner has not been terminated but the petitioner himself has given in writing on 15-4-1998 that he want to leave the job and asked the respondent to make alternative arrangement. They have admitted that the petitioner was receiving Rs. 4000/- as salary per month. They have denied the remaining contents of the petition and prayed for the dismissal of the same.

2. The Agriculture Development Officer, Incharge Sudanwala, Dhaulakuan, District Sirmaur, H.P. ... Respondents.

Reference under section 10 of the Industrial Disputes Act, 1947.

For petitioner : Shri L. S. Negi Advocate.  
For respondents : Shri Sandeep Attri, ADA.

### AWARD

The following reference has been received for adjudication from the appropriate government.

"Whether the termination of services of Shri Kamender Singh, ex-daily wages beldar by (1) The Deputy Director, Agriculture Department, Nahan, District Sirmaur, and (2) The Agriculture Development Officer, Incharge Sudanwala Farm, Dhaulakuan, Distt. Sirmaur, H.P. w.e.f. 1990 without any rhyme and reasons, charge-sheet, enquiry and without compliance of Section 25 (F) of the Industrial Disputes Act, 1947 and retaining junior in service in violation of principle of "First come last go" is legal and justified. If not, to what relief of service benefits and amount of compensation, Shri Kamender Singh is entitled to?"

2. The claim has been filed by the petitioner alleging that he had completed 240 days of continuous service under the respondents. The petitioner has been illegally retrenched ignoring the mandatory provisions of Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'Act') without any notice and compensation. The respondents have also violated Section 25-H of the 'Act' by engaging worker ignoring the seniority of the petitioner. The petitioner has served as beldar from 1989 to 1993 and the removal of the petitioner without any notice or compensation is violative of section 25-F of the 'Act' which is liable to be set aside. The petitioner has prayed for re-engagement with all service benefits.

3. The respondent disappeared from the Court on 14-8-2001 and they are preceded *ex parte*. The *ex parte* evidence of the petitioner was recorded and the case has been decided in his favour. Against this order, the respondents have gone in writ petition before the Hon'ble High Court and the Hon'ble High Court has set aside the order passed by this Court on 29-11-2004 and directed that the matter be decided on or before 31-1-2006 as per copy of the order dated 15-7-2005 placed on record. After the direction of the Hon'ble High Court, the respondents have filed detailed reply taking preliminary objection that the petition is barred by limitation as the demand has been raised after 10 years. The petitioner has filed the false claim as he was working with Chaudhary Swarn Kumar Himachal Pradesh Krishi Vishav Vidyalaya, Regional Research Station, Dhaulakuan.

4. On merits, they have denied the contents of the petition except that petitioner was engaged in seed Multiplication Farm, Sudanwala in the year, 1983. The work was seasonal and not permanent nature. The work at the farm, was reduced and the labour that was engaged was disengaged. The petitioner has worked as per chart from 1983 to 1990. The petitioner has left the job at his own and thereafter, he never came for the work. The petitioner has joined in Chaudhary Swarn Kumar Himachal Pradesh Krishi Vishav Vidyalaya, Regional Research Station, Dhaulakuan w.e.f. 25-9-1997 to 18-12-2002 and he has also filed the application before the Labour Court after the lapse of 10 years. The petitioner has filed a false complaint that he had continuously worked for more than 240 days in each calendar year, but from the mandays chart, he has only worked for more

4. On the basis of the pleadings of the parties, the following issues are framed :

1. Whether demand of the petitioner for reinstatement in service as accountant in respondent firm is legal and justified? ... OPP.
2. Whether the petitioner had voluntarily resigned from service and if so, its effect? ... OPR.
3. Whether the reference is not maintainable? ... OPR.
4. Relief

The case was listed for petitioner evidence on 3-12-2002, 28-4-2003, 1-8-2003, 8-3-2004, 22-6-2004, 4-11-2004, 4-1-2005, 10-3-2005, 23-6-2005, 6-10-2005, 5-11-2005 and 2-1-2006, but the petitioner has failed to produce any evidence or even appeared himself before the Court, which clearly prove that the petitioner has no case in his favour. Onus to prove issue No. 1 was on the petitioner, but he could not produce any evidence despite numerous opportunities. Accordingly, the issue no. 1 is decided against the petitioner.

6. In view of my findings on issue No. 1, Issues No. 2 & 3 become redundant.

7. In view of my findings on Issue No. 1, the petitioner has failed to prove any case. Hence, the reference is replied in negative. Let a copy of this award by sent to appropriate Government for publication in the official gazette.

Announced today this 2nd day of January, 2006 in the open Court.

Seal.

L. N. SHARMA,  
Presiding Judge,  
H.P. Industrial Tribunal-cum-Labour Court,  
Shimla.

In the Court of Shri L. N. Sharma, Presiding Judge,  
H.P. Industrial Tribunal-cum-Labour Court, Shimla

Reference No. : 68 of 2000  
Instituted on : 30-5-2000  
Decided on : 3-1-2006

Shri Kamender Singh s/o Shri Laxman Singh, Vill. & PO Kolar, Tehsil Paonta-Sahib, District Sirmaur, (H.P.) ... Petitioner.

Versus

1. Deputy Director, Agriculture Department, Nahan District Sirmaur.

than 240 days in 1988 and 1989. In the year, 1990, he only worked for 10½ days and thereafter he abandoned the work at his own. The plea of the petitioner that his disengagement is against the provisions of section 25-F and 25-H of the 'Act' is not maintainable. They mentioned certain authorities of the Hon'ble High Court and Hon'ble Supreme Court wherein it has been held that where the work is of a seasonal character, no direction can be issued by the Court to regularize the services of the petitioner. They have denied the remaining contents of the petition and alleged that as the petitioner has left the job at his own and thereafter, he joined Chaudhary Swarn Kumar Himachal Pradesh Krishi Vishwa Vidyalaya, Regional Research Station, Dhaulakuan, he is not entitled to any relief and prayed for the dismissal of the petition.

5. The petitioner has filed the rejoinder wherein he has controverted the stand taken in the reply filed by the respondent and re-affirmed the contents of the plaint.

6. On the basis of the pleadings of the parties, the following issues are framed on 22-11-2005 :

1. Whether the service of petitioner was illegally terminated by respondent without complying the provisions of I. D. Act, 1947? If so, its effects?

.. OPP.

2. If issue No. 1 is proved in affirmative, to what relief the petitioner is entitled to?

.. OPP.

3. Whether the petitioner in the present form is not maintainable?

.. PPR.

4. Relief

7. In order to prove the case, the parties have led their evidence. I have heard the Learned ADA and have also gone through the record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under :

#### FINDINGS

Issue No. 1	: No.
Issue No. 2	: Become redundant.
Issue No. 3	: Reference answered <i>vide</i> operative part of the award.

#### REASONS FOR FINDINGS

Issue No. 1 :

8. There is no dispute that the petitioner was engaged by the respondents as beldar on daily wages on Agriculture Farm, Dhaulakuan from 1983 to 1990. The only controversy in the case is that the petitioner has alleged that his services were discontinued without any notice and compensation and even the respondents were retained in service. Whereas the stand of the respondents is that the petitioner himself abandoned the job at his own. They have further alleged that after leaving the job, the petitioner has joined the work at Chaudhary Swarn Kumar Himachal Pradesh Krishi Vishwa Vidyalaya, Regional Research Station, Dhaulakuan w.e.f. 25-9-1997 to 18-12-2002. The petitioner has filed the present petition falsely and is not entitled for any relief.

9. The petitioner in order to prove the case stepped into the witness box and supported the entire contents of the petition. He has stated that at present he is serving under the respondents

as per direction issued by the Hon'ble High Court. In cross-examination, the petitioner shown his ignorance that he worked for 2½ days in 1983 and no work in the years 1984 and 1985 and only 8 days he worked in 1986. He denied that he only worked for 10 days in 1990 and thereafter he left the job without any permission and application. He has admitted that there is a Research Centre of Agriculture University, Palampur at Dhaulakuan, but denied that he worked in the Centre from 1987 to 2002 and concealed these facts from the Court intentionally.

10. The respondents also examined two witnesses. RW-1 is Shri Garibu Ram who has produced the record of H.P. Krishi Vishwa Vidyalaya Kendra, Dhaulakuan and bills and receipt of payment made to the petitioner as Ex.R-1 to Ex.R-16.

11. RW-2 is Shri Kirpa Ram, Soil Testing Officer, Dhaulakuan who has brought the muster roll Ex.R-17 and Ex. R-18 and Attendance Register is Ex. R-19. According to this witness, the petitioner had left in 1990 at his own and thereafter he joined Chaudhary Swarn Kumar Himachal Pradesh Krishi Vishwa Vidyalaya, Regional Research Station, Dhaulakuan. The petitioner was engaged for seasonal work only. In cross-examination, he has admitted that petitioner worked for 240 days during the years 1988 and 1989. Thereafter he left the job in 1990 at his own. The witness has denied that the petitioner was removed from the job by their department. The proof of joining of the petitioner with the University is Ex. R-1 to Ex. R-16. The petitioner never contacted their department for re-employment and at present he has been engaged as per direction of the Hon'ble High Court.

12. From the perusal of the entire oral as well as documentary evidence, it has been proved that the petitioner was engaged by the respondent in April, 1983 to 1990. From the perusal of the mandays chart Ex. R-19, it is clear that in the year, 1983, the petitioner worked for 2½ days, in 1986 for 8 days and in 1990 only for 10½ days. He has only worked for over 240 days in 1988 and 1989. There is nothing on record to prove that the petitioner was removed from the job by the respondent or the petitioner ever tried even to contact the respondent to regularize him. On the other hand, it has been proved by the respondents that the petitioner after leaving the work joined Chaudhary Swarn Kumar Himachal Pradesh Krishi Vishwa Vidyalaya, Regional Research Station, Dhaulakuan in 1997 and worked till 2002 as per copy of muster roll, bills and payment receipt of the petitioner Ex.R-1 to Ex. R-18 placed on the Court file. If these documents are taken into consideration, then it can be presumed that the petitioner has left the job at his own and he joined the work in Research Centre of the H.P. Krishi Vishwa Vidyalaya at Dhaulakuan where he remained serving since 1997 to 2002. The petitioner has intentionally concealed the material facts from the Court. He has even denied the suggestion when asked by the defence in his cross-examination that he was working in the H.P. Krishi Vishwa Vidyalaya at Dhaulakuan. It has come in evidence that the work of the respondent for which the petitioner was engaged was only seasonal and not of a permanent nature. It is well settled that if the person is engaged for seasonal work by the respondents who had put in 240 days of service cannot take benefit of Section 25-F of the 'Act' as no work of permanent nature is available with the respondent. The learned ADA has placed reliance on 1998 (1) LLJ 728 titled Tamil Nadu Civil Supplies Corporation Workers' Union V. Tamil Nadu Civil Supplies Corporation Ltd. and Others. The Hon'ble Madras High Court has laid down that :

"Where the work is of a seasonal in character, then no direction can be issued by the Court to regularize the services of the petitioners. The petitioners admitted themselves that they were being employed by the respondents when the work was available with the respondent".

18. He has also placed reliance on 1995 (1) SLR 232 and 1997 (4) SLR 586 SC, wherein similar law has been laid down by the Hon'ble Supreme Court that if the work is of a seasonal character, then no direction can be given to regularize a worker. Moreover in this case, the petitioner could not produce any convincing evidence that his services were terminated by the respondent retaining the junior in the service. It has been proved that the petitioner himself has abandoned the job and thereafter he joined with Chaudhary Swarn Kumar Himachal Pradesh Krishi Vishva Vidyalyaya, Regional Research Station, Dhaulakuan as per muster roll, bills and payment receipt Ex.R-1 to Ex. R-18 placed on the Court file.

14. In view of the above discussion and law, the issue is decided against the petitioner.

Issue No. 2:

15. In view of my findings on Issue No. 1 above, this issue has become redundant.

Issue No. 3:

Not pressed.

RELIEF

16. In view of my findings on Issue No. 1 above, the petitioner is not entitled for any relief and the reference is accordingly replied in negative. Let a copy of this award be sent to the appropriate government for publication in the official gazette.

Announced in the Open Court today this 3rd day of January, 2006.

Seal.

L. N. SHARMA  
Presiding Judge,  
H.P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Shri L. N. Sharma, Presiding Judge, H.P.  
Industrial Tribunal-cum-Labour Court, SHIMLA H.P.

Reference No. : 132 of 2002  
Instituted on : 29-5-2002  
Decided on : 3-1-2006

Shri Dhyan Singh son of Shri Panna Lal, Ex-Conductor,  
HRTC, Tara Devi Unit. ..Petitioner.

Versus

The Regional Manager, HRTC, Tara Devi Unit.  
..Respondent.

Reference under Section 10 of the Industrial Disputes  
Act, 1947.

For petitioner : Shri O. P. Sharma, Advocate  
For respondent : Ms. Rita Thakur, Advocate

The following reference has been received for adjudication  
from the appropriate government :

कि क्या श्री ध्यान सिंह सुपुत्र स्वर्गीय श्री पन्ना लाल, कन्डक्टर को प्रबन्धक निदेशक, हिं प्रो पथ परिवहन निगम शिमला एवं क्षेत्रीय प्रबन्धक, हिं प्रो पथ परिवहन निगम, तारा देवी, शिमला के कार्यालय आदेश दिनांक 18-3-1993 द्वारा नौकरी से निकाला जाना उचित एवं न्याय संगत है ? अगर नहीं, तो श्री ध्यान सिंह सुपुत्र स्वो श्री पन्ना लाल, कन्डक्टर किस सेवा लाभ एवं राहत का पात्र है ?"

2. Notice for the service of the parties issued on 30-11-2002 when the case was taken up. Shri Parkash Kalra AR for the LR's of deceased petitioner appeared who has stated that the petitioner Dhyan Singh has already died on 21-8-2002 and he moved an application for bringing the LR's on the Court file on behalf of Smt. Laxmi Devi widow of Shri Dhyan Singh Conductor. The widow Smt. Laxmi Devi has stated that the service of her husband has been illegally terminated. The petitioner Shri Dhyan Singh has died on 21-8-2002 and she has prayed that she be brought on record and permitted to file the claim on behalf of her husband.

3. The petition has been strongly contested by the respondent taking preliminary objection that the application is not maintainable and it is bad for non-joinder of necessary parties. On merits, they have simply stated that applicant has no *locus standi* to file the present application for setting aside the termination of her husband and prayed for the dismissal of the same.

4. The applicant has filed the rejoinder wherein she has controverted the stand taken in the reply and re-affirmed the contents of her application.

5. On the basis of pleadings of the parties, the following issues were framed on 22-2-2005 :

- Whether the applicant Lakshmi Devi w/o Late Shri Dhyan Singh is only legal heir of the deceased petitioner? OPP.
- Whether the application is neither competent nor maintainable and the applicant has no *locus standi* to file the claim, as alleged? OPR.
- Whether the application is bad for non-joinder of necessary parties. OPR.
- Relief.

6. The case was listed for petitioner evidence 23-3-2005, 9-5-2005, 20-7-2005, 29-9-2005 and 23-12-2005, but the proposed LR Smt. Laxmi Devi has failed to produce any evidence despite numerous opportunities given to her. Moreover, this Court is only required to reply the reference, which is received, but as the claimant has already expired, the claim of the deceased automatically become infructuous. The LR's of the deceased cannot take any benefit by challenging the termination of the deceased. However, they can claim the relief by filing a case before the Court having jurisdiction.

7. As the petitioner has failed to produce any evidence, Issue No. 1 is decided against the petitioner.

8. In view of my findings on Issue No. 1 above, Issue No. 2 & 3 become redundant.

9. In view of my findings on Issue No. 1, the present the petitioner is not entitled for any relief and the reference is accordingly replied in negative. Let a copy of this award be sent to the appropriate government for publication in the official gazette.

Announced in the Open Court today this 3rd day of January, 2006.

## AWARD

Seal.

L. N. SHARMA,  
Presiding Judge,  
H. P. Industrial Tribunal-cum-Labour court,  
Shimla.

In the Court of Shri L. N. Sharma, Presiding Judge, H.P.  
Industrial Tribunal-cum-Labour Court, Shimla

Reference No. : 76/2005

General Secretary, Gabriel Karamchhari Union

V/s

M/s Asha Security Services c/o M/s Gabriel (India) Ltd.  
Parwanoo, Distt. Solan, H.P.

3-1-2006: Present : None for the petitioner.

Shri A. K. Sharma, AR for respondent.

Today Shri A.K. Sharma, AR for the respondent has produce one photocopy of memorandum of settlement under Section 12(3) of the Industrial Disputes Act, 1947 whereby the entire dispute stands settled. Moreover, none is present on behalf of the petitioner today. It appears that they are satisfied with the claim as per settlement. Accordingly, the present reference is replied as settled. Let a copy of this order be sent to the appropriate government for publication.

Announced.

3-1-2006.

Seal.

L. N. SHARMA,  
H.P. Industrial Tribunal-cum-Labour Court,  
Shimla.

In the Court of Shri L. N. Sharma, Presiding Judge, H.P.  
Industrial Tribunal-cum-Labour Court, Shimla

Reference No. : 145 of 2001

Instituted on : 6-8-2001

Decided on : 4-1-2006

1. Joginder Dutt son of Shri Basti Ram, V. Bhayanaghat,  
P.O. Churudhar, Tehsil Rajgarh, Distt. Sirmaur, H.P.

2. Dharam Pal son of Shri Rama Nand, Vill. Neharpur,  
P.O. Churudhar, Tehsil Rajgarh, Distt. Sirmaur, H.P. through Shri  
J.C. Bhardwaj, President, HPAITUC, Hq. Saproon, Solan

...Petitioners.

Versus

The Executive Engineer, Himachal Pradesh State Electricity  
Board, Elect. Division, Rajgarh, Distt. Sirmaur ...Respondent.

Reference under section 10 of the Industrial Disputes Act,  
1947.

For petitioner : Shri J. C. Bhardwaj, AR.

For respondent : Ms. Shilpa Sood, Advocate.

The following reference has been received for adjudication  
from the appropriate government :

"Whether the termination of services of workmen (i) Shri  
Joginder Dutt son of Shri Basti Ram, (ii) Shri Dharam Pal  
s/o Shri Rama Nand w.e.f. 16-10-91 by the Employer, the  
Executive Engineer, H.P.S.E.B., Div. Rajgarh, Distt. Sirmaur,  
H.P. without complying the provisions of Section 25-N/F  
of the Industrial Disputes Act, 1947 is legal and justified.  
If not, to what relief of service benefits and amount of  
compensation, the above workmen are entitled to?"

2. The petitioners have alleged that they were employed  
by the respondent in July, 1987 and both the petitioners were  
illegally retrenched on 16-10-1991. The petitioners have alleged  
that they have completed 240 days service in each calendar year  
and their retrenchment is against the mandatory provision of  
law and is a clear violation of Section 25-N and 25-F of the  
Industrial Disputes Act, 1947 (hereinafter referred to as the 'Act').  
The petitioners never abandoned their job. Even the juniors  
were retained in service by the respondent in violation of Section  
25-G and 25-H of the 'Act' and they prayed for re-instatement  
with full wages and seniority.

2. The claim of the petitioners has been strongly  
contested by the respondent taking preliminary objection that  
the petitioners have not disclosed cause of action and they are  
having no legal or vested rights which have been violated by  
the respondent. The petition is also hit by delay and laches and  
cannot be entertained at this belated stage.

3. On merits, they have denied that contents of the  
petition and alleged that Joginder Dutt petitioner was engaged  
on 16-11-1989 and not in July 1987 and he worked upto  
15-7-1990 and not upto 16-10-1991 as alleged by him. Similarly  
petitioner Dharam Pal was engaged on 16-10-1989 and he worked  
till 15-11-1989 and thereafter he remained absent for 4 months.  
He was again engaged on 16-3-1990 and worked till 16-7-1990.  
Thereafter, he again absented w.e.f. 16-7-1990 to 15-8-1990 for  
about one month at his own and again worked w.e.f. 16-8-1990 to  
15-9-1990. The petitioners were quite casual in attending their  
duties. They have further alleged that the respondent never  
terminated the services of the petitioners, but they themselves  
had left the job at their own. They have denied the remaining  
contents of the petition and alleged that there is no violation of  
the 'Act' and prayed for the dismissal of the petition.

4. No rejoinder filed. On the basis of the pleadings of  
the parties, the following issues were framed by this Court on  
30-7-2004:

1. Whether the termination of services of petitioners by  
respondent w.e.f. 16-10-1991 without complying the  
provisions of Section 25-N/F of the I.D. Act, 1947 is  
legal and justified? OPR.

2. If issue No. 1 is not proved, to what relief of service  
benefits and amount of compensation, the petitioners  
are entitled to? OPR.

3. Whether there is no enforceable cause of action  
and the claim is not maintainable, as alleged? OPR.

4. Whether the claim is time barred? OPR.

5. Relief

5. In order to prove the case both the parties have led their evidence. I have heard Shri J.C. Bhardwaj, AR for the petitioners and Ms. Shilpa Sood, Advocate for the respondent and have also gone through the record. For the reasons to be recorded hereinafter my findings on the aforesaid issues are as under:

### FINDINGS

- Issue No. 1 : No.  
 Issue No. 2 : Become redundant.  
 Issue No. 3 : Not pressed.  
 Issue No. 4 : No pressed.  
 Relief: Reference answered *vide* operative part of the award.

### REASONS FOR FINDINGS

#### Issue No. 1 :

6. There is not dispute about the engagement of the petitioners by the respondent, but the only dispute is that the petitioners have alleged that their services were terminated by the respondent ignoring the mandatory provisions of Section 25-F and 25-N of the 'Act'. On the other hand, the respondent has denied that the services of the petitioners were terminated illegally by them, but their case is that the petitioners have left the job at their own. In order to prove the case, both the petitioners appeared in the witness box. Petitioner Joginder Dutt has stated that he was engaged in July, 1987 and remained in service till 16-10-1991 when his service were terminated without any notice, charge-sheet or compensation. He has worked for more than 240 days in a preceding calendar year, but the respondent placed mandays chart showing only 115 days working. The mandays shown is only of one division. Even juniors were engaged after his termination who are S/Shri Anil, Mam Raj, Satish Pal and Joginder Singh etc. He prayed for reinstatement and back wages. In cross-examination, he has denied that he joined on 16-11-1989 and worked till 15-7-1990. He has also denied that he left the job at his own or he had not met the respondent for his re-engagement. He cannot produce any evidence proving that he had completed 240 days with the respondent as the record is with the respondent.

7. Petitioner Dharam Pal has appeared and he also supported the entire contents of the petition alleging that he joined on 4-4-1988 and worked till 16-10-1991. In cross-examination, he has denied that he joined on 16-10-1989 and worked with breaks upto 15-11-1989. He has denied that he remained absent for entire period from 16-11-1989 to 15-8-1990 without any information or leave. He has denied that he has taken any break, but stated that he remained on duty throughout. He has denied that he has not completed 240 days, but he cannot produce any evidence that he completed 240 days in a calendar year.

8. The respondent has examined Shri D. K. Sood, SDO Electrical, who has stated that Joginder Dutt was engaged *w.e.f.* 16-11-1989 till 15-7-1990 and he had worked with breaks and left the job at his own. The mandays chart is Ex-RW-1/B. The petitioner has not completed 240 days in earlier period and never approached the respondent for his re-engagement. Similarly Dharam Pal was engaged on 16-10-1989 to 15-9-1990 and he worked with breaks as per mandays chart Ex-RW-1/C. The petitioner has left the job at his own and he has not completed 240 days during his working. In cross-examination, he has denied that mandays chart is wrongly prepared. The muster rolls are not placed on the Court file. However, the same can be brought. They have not written any letter to the petitioner for attending their duties. He has denied that the services of the petitioners

were wrongly terminated. No fresh recruitment was made after 1999.

9. From the perusal of the entire oral as well as documentary evidence, there is no dispute about the engagement of the petitioners on daily wages on muster roll basis. Petitioner Joginder Dutt was engaged on 16-11-1989 and he worked till 15-7-1990. He had only worked for 128 days from 16-11-1989 to 15-7-1990 as per mandays chart Ex-RW-1/B. Similarly Dharam Pal has worked from 16-10-1989 to 15-9-1990 for 145 days in all. There is no evidence produced by the petitioners that they have completed 240 days in a calendar year and in the absence of specific evidence of completing 240 days, they cannot claim any benefit under Section 25-N and 25-F of the 'Act'. It is also not clear why the petitioners have not summoned the muster roll or other relevant record that they worked for more than 240 days. On the other hand, the respondent has proved by producing the mandays chart that the petitioners have not worked for 240 days and they are not entitled for any relief.

10. The learned counsel for the respondent has strongly argued that since the petitioners have failed to prove that they have worked for 240 days in one calendar year and in such situation, the petitioners are not entitled for any relief. She placed reliance on 2003 LLR 1 SC titled U.P. Avas Evam Vikas Parishad *Versus* Kanak and Anr. Relevant 16 is reproduced :—

"16. The proof of working for 240 days is str d to be on the employee in the event of any denial of such a factum and it is on this score that this Court in Range Forest Officer *V. S. T. Hadimani*, 2002 (3) SCC 25 was pleased to state as below :

"...In our opinion the Tribunal was not right in placing the onus on the management without first determining on the basis of cogent evidence that the respondent had worked for more than 240 days in the year prece termination. It was the case of the claimant that he had so worked out but this claim was denied by the appellants. It was then for the claimant to lead evidence to show that he had in fact worked for 240 days in the year preceding his termination. Filing of an affidavit is only his own statement in his favour and that cannot be regarded as sufficient evidence for any court or tribunal to come to the conclusion that a workman had, in fact, worked for 240 days in a year. No proof of receipt of salary of wages for 240 days or order or record of appointment or engagement for this period was produced by the workman. On this ground alone, the award is liable to be set aside..."

11. In view of the above discussion and law, the petitioners have failed to prove that they were in continuous service of the respondent for more than 240 days. Hence, they are not entitled for any relief. Hence, Issue No. 1 is decided against the petitioners.

Issue No. 2 : Become redundant.

Issue No. 3 : Not presented.

Issue No. 4 : Not presented.

### RELIEF

12. In view of my findings and law on Issue No. 1 above, the petitioners are not entitled for any relief. Accordingly, the reference is replied against the petitioners. Let a copy of this award be sent to the appropriate government for publication in the official gazette.



Announced in the Open Court today this 4th day of January, 2005.

Seal.

L. N. SHARMA,  
Presiding Judge,  
H.P. Industrial Tribunal-cum-Labour Court,  
Shimla.

In the Court of Shri L. N. Sharma, Presiding Judge, H.P.  
Industrial Tribunal-cum-Labour Court, Shimla

Reference No. : 75 of 2000.  
Instituted on : 30-6-2000.  
Decided on : 4-1-2006.

Sumer Chand son of Shri Piara Ram, Resident of Village  
Devika Purla, P.O. Nahan, District Sirmour, H.P. ..Petitioner.

Versus

1. The Conservator of Forests, Nahan Circle, Nahan.
2. The Divisional Forest Officer, Nahan, Division, Nahan,  
..Respondent.

Reference under section 10 of the Industrial Disputes Act,  
1947.

For petitioner : Shri O.P. Sharma, Advocate.  
For respondent : Shri Sandeep Attri, Ld. ADA.

#### AWARD

The following reference has been received for  
adjudication from the appropriate government :

- (1) "Whether the termination of services of Shri Sumer Chand, Ex-daily wages beldar by the Divisional Forest Officer, Nahan, District Sirmour, H.P. w.e.f. 1992 after a prolonged spell of 8 years' service and on completion of 240 days' continuous service, without any notice, chargesheet, enquiry and without compliance of section 25(F) of the Industrial Disputes Act, 1947 is legal and justified, if not, to what relief of service benefits and amount of compensation, Shri Sumer Chand is entitled?"
- (2) "Whether Shri Sumer Chand has left the service on his own, as alleged. If so, its effect?"
2. The petitioner has filed the claim wherein he has alleged that he was engaged by the respondent during 1984 and remained in service till December 1992. He has completed 240 days in service, but his services were illegally terminated in violation of Section 25-F of the Industrial Disputes Act 1947 (hereinafter referred to as the 'Act'). No notice or compensation has been paid. He has further alleged that the junior persons are still working. The petitioner has further alleged that the respondent has not followed the principle of 'last come first go' by retaining junior in service and he prayed that he be re-instated with full back wages and seniority.
3. The petition has been strongly contested by the respondent alleging that the petitioner has not completed 240 days in 1984. The respondents have admitted that the petitioner has completed 240 days from 1985 to 1991, but in the year, 1992 he has left the job at his own and thereafter he never returned. In reply to Para 2 the respondents have alleged that they are

following the principle of 'last come first go'. As the petitioner has left the job at his own and he has not returned despite repeated calls. There is no violation of the 'Act'. The petitioner has raised the dispute after 7 years. The detail of mandays are also given, but they prayed for the dismissal of the petition.

4. No rejoinder filed. On the basis of the pleadings of the parties, the following issues are framed by this Court on 12-7-2001 :—

1. Whether the services of the petitioner was terminated illegally in contravention of section 25-F of the I.D. Act? If so, to what effect? OPP.
2. Whether the petitioner left the job on his own as alleged? OPR.
3. Relief.

5. In order to prove the case, both the parties have led their evidence. I have heard the learned counsel for the parties and gone through the record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under :

#### FINDINGS

- |             |                                                               |
|-------------|---------------------------------------------------------------|
| Issue No. 1 | : No                                                          |
| Issue No. 2 | : Not presented.                                              |
| Relief      | : Reference answered <i>vide</i> operative part of the award. |

#### REASONS FOR FINDINGS

Issue No. 1:

6. The petitioner only appeared in the witness box and he has supported the entire contents of the petition alleging that his services were terminated without any compensation or notice. He had requested the respondent for re-engagement many times, but he was not taken back, whereas junior to him S/Shri Inder Singh, Mohinder Singh, Devinder Singh etc. are still in service. In cross-examination he has stated that he was engaged in the nursery and received the wages for the period he worked there. He has denied that he has not worked continuously and there is break in service. He has denied that his services were not terminated in 1992, but he left the job at his own. He had not submitted any application to the department for re-engagement. He had not initiated the proceedings before 1997 because he was unaware of the same and he moved the same when he received the advise. He has denied that pursuant to the hike in the wages and government policy to regularize daily wage workers having more than 10 years service, he had filed false case.

7. The respondent also produced one witness Shri Vijay Pal who has stated that the petitioner was engaged from 1984 to 1992, but he was not regular in performing his duty. He was not retrenched by the department, but left the job at his own. He was verbally requested to join his duty, but without any result. In cross-examination he has admitted that the petitioner has worked for more than 240 days in each calendar year since 1985 till 1991. He has denied that petitioner had not left the job at his own and he has been retrenched by the department. The respondent has not issued any notice to the petitioner calling him to resume duty. No notice or retrenchment compensation has been paid to him, but stated that he was not entitled for the same. He has admitted that the co-workers of the petitioner are still working on muster roll with the department.

8. From the scrutiny of the entire oral evidence adduced by the parties there is no dispute that the petitioner has worked continuously from 1984 till 1992 and he has completed 240 days since 1985 to 1991, but suddenly he left the job in 1992 after



completing 232 days and thereafter he never turned up for the job. There is no documentary evidence produced by the petitioner proving whether he ever approached the respondent for his re-engagement after 1992, except his oral statement. Evidence on the other hand produced by the respondent simply suggests that the petitioner has left the job in 1992 without any application or permission. The petitioner even himself has stated that he was disengaged on the ground of non availability of the muster roll which also proves that as the work was over and the petitioner had left the work.

9. The learned counsel Shri A.K. Gupta has argued that there is none compliance of section 25-F of the 'Act' as no notice or compensation has been paid to the petitioner at the time of his disengagement. But again he could not prove anything on record that the services of the petitioner were disengaged by the respondent and in the absence of specific evidence, the argument of the learned counsel cannot be accepted. Learned counsel has further stated that if the petitioner is re-instated, he will forgo his back wages. Again this statement is of no help. The petitioner has raised the dispute after over 8 years and he has nowhere stated what he was doing during this period. The learned ADA has argued that the case of the petitioner is not maintainable in view of laches and delay and he placed reliance on 2001 (1) Supreme Court Cases 424 titled *INDIAN IRON & STEEL CO. LTD. V. PRAHLAD SINGH*. Relevant Para 10 and 12 reproduced :

"10. In our view on the facts of the case in hand the aforementioned two decisions were of no avail to support the case of the respondent. The learned single Judge also found fault with the Tribunal as to the finding that the claim of the respondent was too stale to grant any relief when parties had not raised such a plea. When the Tribunal on proper and objective appreciation of the material on record found that the claim was made by the respondent after 13 years, it was open to it to refuse relief to the respondent. Moreover, the Tribunal did not refuse relief merely on the ground of delay and laches as is evident from para 25 of the order extracted above, in as much as the Tribunal has recorded that even without considering the question of delay the respondent had lost his lien on his appointment."

"12. Whether relief can be declined on the ground of delay and laches, depends on the facts and circumstances of each case. In this case the claim was made almost after a period of 13 years without any reasonable or justifying ground and there was nothing on record to explain this delay as held by the Tribunal. When the respondent did not make claim for 13 years without any justification and on merits also he had no case, the Tribunal did not rightly grant him any relief. Even otherwise the findings of facts recorded by the Tribunal in the light of the Standing Orders aforementioned cannot be said to be untenable or perverse."

10. It is clear and even admitted by both the parties that the petitioner had not worked after 1992 and present reference has been filed in 2000 i.e. after about 8 years and in such situation considering the question of delay, the petitioner has lost his lien of his appointment. As the petitioner could not produce any evidence about his illegal termination or retrenchment by the respondent, Issue No. 1 is decided against the petitioner.

Issue No. 2 - : Not pressed.

#### RELIEF

11. In view of my findings on Issue No. 1 and the law, the petitioner is not entitled for any relief. Accordingly the reference is decided against the petitioner. Let a copy of this award be

sent to appropriate government for publication in the official gazette.

Announced in the Open Court today this 4th Day of January, 2006.

L. N. SHARMA,  
Presiding Judge,  
H.P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Shri L. N. Sharma, Presiding Judge, H.P.  
Industrial Tribunal-cum-Labour Court, Shimla

Reference No. : 99 of 2000

Instituted on : 20-7-2000

Decided on : 4-1-2005

Hakam Deen

.. Petitioner.

Versus

Manager M/s United Vanaspai Ltd., Manjholi, Nalagarh,  
Distt. Solan

.. Respondent.

Reference under section 10 of the Industrial Disputes Act, 1947."

For petitioner : Shri Niranjan Verma, Advocate.

For respondent : Shri P.K. Kukreja, Advocate.

#### AWARD

The following reference has been received for adjudication from the appropriate government :

(1) "Whether the termination of Shri Hakam Deen, Ex-worker by the management of M/s United Vanaspai Limited, Manjholi, Tehsil Nalagarh, District Solan, H.P. without any notice, reason and enquiry is legal and justified. If not, to what relief and amount of compensation, Shri Hakam Deen is entitled?"

(2) "Whether Shri Hakam Deen has abandoned the job on his own, as alleged. If not, to what effect?"

2. The claim has been filed stating that the petitioner has joined on 3-8-1998 and worked continuously till 13-2-1999. He was drawing Rs. 3250/-. The petitioner was not permitted to work after 14-2-1999 for the reasons best known to the respondent and his services have been terminated without complying with the mandatory provisions of Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'Act'). No retrenchment compensation or notice has been given. The petitioner has not abandoned the job at his own and prayed that he be re-instated with all benefits.

3. The respondent has strongly contested the claim taking preliminary objection that the petition is not maintainable. The duty of the petitioner was supervisory in nature and he does not come under the definition of workman. The petitioner himself has failed to join the duties despite the assurance given by him before the Conciliation Officer (Labour Inspector). The petitioner has not completed the services of 740 days. Hence, there is no violation of the 'Act'. On merits, they have admitted that the petitioner joined the duty on 13-2-1999 and he abandoned his job at his own. He was drawing Rs. 2250/- per month as salary. They have denied that the petitioner was appointed on

1-9-1998. The petitioner was appointed on temporary basis in supervisory capacity in the Pouch Filling Station and was given over all responsibility of the section. They have further alleged that the petitioner has assured that he will leave his earlier job in case he is appointed, but he has failed to leave the job of the earlier employer. The petitioner was stressing for increasing his pay from Rs. 2250/- to Rs. 3500/- but the same was not accepted by the management. They have denied the remaining contents of the petition and prayed for the dismissal of the petition.

4. The petitioner has filed the rejoinder wherein he controverted the stand taken in the reply filed by the respondent and re-affirmed the contents of the plaint.

5. On the basis of the pleadings of the parties, the following issues were framed by this Court on 4-7-2003 :

1. Whether the termination of services of the petitioner by the respondent is without any notice, reason and enquiry and thus illegal and unjustified? OPP.
2. Whether the petitioner has abandoned the job on his own as alleged and if so its effect? OPR.
3. Whether the petition is not maintainable? OPR.
4. Relief.

6. In order to prove the case, the parties have led their evidence. I have heard the learned counsel for the parties and have also gone through the record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under :

#### FINDINGS

Issue No. 1	: No
Issue No. 2	: Not pressed.
Issue No. 3	: Not pressed.
Relief	: Reference answered <i>vide</i> operative part of the award.

#### REASONS FOR FINDINGS

Issue No. 1 :

7. There is no dispute that the petitioner was serving under the respondent. The only dispute is regarding the date of joining and the pay which the petitioner was drawing at the time when his services were terminated. The petitioner has alleged that he was illegally terminated without any enquiry by the respondent and his entitled for the compensation and also re-engagement. The management on the other hand has alleged that the petitioner has abandoned his job at his own and is not entitled for any relief. Further he has not completed 240 days, which is required under Section 25-F of the 'Act'.

8. Petitioner has examined 2 PWs. PW-1 is the petitioner who has stated that he was appointed as Pouch Filling Machine Operator *w.e.f.* 3-8-1998 to 13-2-1999. He was drawing Rs. 2250/- per month plus bonus and at the time of his retrenchment his salary was Rs. 3250/- per month. He was retrenched *w.e.f.* 14-2-1999 and junior namely Raju was kept in his place. In cross-examination, he has stated that he has no documentary evidence to prove that he has completed 240 days in a calendar year or to prove that he was drawing Rs. 3250/- plus bonus. He has admitted that he was given the appointment letter which he has not produced in the Court. He has denied that there were 10/12 workmen under him, but admitted that their salary was less than

him. He has admitted that he received letter Ex. RX. He has also stated that after tendering apology Ex. RX he was not permitted to join the duty.

9. PW-2 is Shri Harnek Mohammed who has stated that he was working with the respondent since 1992. The petitioner has joined the company *w.e.f.* 3-8-1998 to 13-2-1999 when he was terminated. He was drawing Rs. 3250/- per month. In cross-examination, he has stated that he was called from Rajpura where he is working, but he is not knowing what was the wages. The petitioner was getting at that time. The petitioner told him that he was drawing Rs. 3250/- per month. No salary slip was shown by the petitioner to him. He was told by the petitioner that his services have been terminated by the respondent.

10. The respondent has also examined one witness Shri Kulbhushan Sharma Manager who has tendered the affidavit Ex. RW-1/A in support of his evidence. In cross-examination, he has stated that he has not brought the original of Ex. R-1 to Ex. R-4. He has denied that the petitioner has joined the services on 3-8-1998 or he was drawing Rs. 3250/- plus bonus @ 8.33% per annum. He has denied that the nature of job of the petitioner was of workman, but stated that his job was supervisory in nature. He has admitted that the conduct of the petitioner during the tenure was satisfactory. The witness has denied that on 14-9-1999, the petitioner was not allowed to enter the factory premises by the respondent. He has denied that the petitioner was retrenched without complying with the mandatory provision of the 'Act' but stated that the petitioner left the job at his own. He has denied that the petitioner is entitled for re-instatement or other benefits.

11. From the perusal of the oral as well as documentary evidence, the petitioner has failed to prove any thing on record about the date of joining of service under the respondent. The petitioner has only stated that he joined on 3-8-1998 and continued till 13-2-1999 and thereafter he was not permitted to work by the respondent. He has alleged that he has been illegally retrenched. The petitioner has failed to produce any documentary evidence to prove since when he joined the respondent, what was his salary, except his oral statement. Even if the statement of the petitioner is admitted, in that eventuality he had only worked for 194 days if calculated from 3-8-1998 to 13-2-1999. Meaning thereby that the petitioner is unable to invoke the provision of Section 25-F of the 'Act'. It is the duty of the petitioner to prove his entitlement as per the mandatory provisions of Section 25-F of the 'Act' that he had completed the service for not less than 240 days in year and if this requirement is not fulfilled, he is not entitled for any notice or retrenchment compensation.

12. The learned counsel for the respondent has strongly argued that since the petitioner has failed to prove that he has worked for 240 days in one calendar year and in such situation, the petitioner is not entitled for any relief. He placed reliance on 2003 LLR 1 SC titled U.P. Avas Evam Vikas Parishad Versus Kanak and Anr. Relevant 16 is reproduced :—

“6. The proof of working for 240 days is stated to be on the employee in the event of any derial of such a factum and it is on this score that this Court in Range Forest Officer V.S.T. Hadimani, 2002(3) SCC 25 was pleased to state as below :

“...In our opinion the Tribunal was not right in placing the onus on the management without first determining on the basis of cogent evidence that the respondent had worked for more than 240 days in the year preceding his termination. It was case of the claimant that he had so worked on. This claim was denied by the appellant. It was quite for

the Claimant to lead evidence to show that he had in fact worked for 240 days in the year preceding his termination. Filing of an affidavit is only his own statement in his favour and that cannot be regarded as sufficient evidence for any court or tribunal to come to the conclusion that a workman had, in fact, worked for 240 days in a year. No proof of receipt of salary or wages for 240 days or order or record of appointment or engagement for this period was produced by the workman. On this ground alone, the award is liable to be set aside..."

13. The petitioner has failed to prove that he remained in continuous service of the respondent for 240 days and his services cannot be terminated without complying with the mandatory provisions of Section 25-F of the 'Act', but as per his own evidence, the petitioner has only worked for 194 days. Hence, he is not entitled for any relief. Hence, Issue No. 1 is decided against the petitioner.

Issue No. 2 & 3 No pressed.

#### RELIEF

14. In view of my findings on Issue No. 1 above, the petitioner is not entitled for any relief. Accordingly, the reference is replied against the petitioner. Let a copy of this award be sent to the appropriate government for publication in the official gazette.

Announced in the Open Court today this 4th day of January, 2006.

Seal

L. N. SHARMA,  
Presiding Judge,  
H. P. Industrial Tribunal-cum-Labour Court,  
Shimla.

In the Court of Shri L. N. Sharma, Presiding Judge, H.P.  
Industrial Tribunal-cum-Labour Court, Shimla

Reference : 316/2001

Shri Dhani Ram

Versus

M.D. H.P. Tourism Development Corporation, Shimla-1.

Present : 4-1-2006 :

Shri B. R. Sharma, Advocate for petitioner.

Shri Shashi Shirshu, Advocate for Respdnt.

The following reference has been received for adjudication from the appropriate government :

"Whether the contention of Managing Director, H.P. Tourism Development Corporation Shimla that workman Sh. Dhani Ram son of Shri Kalu Ram has left the job at his own accord w.e.f. 7-9-1995 is proper and justified? If not, what salary, seniority, service benefits and compensation due above workman is entitled to?"

The petitioner has filed claim and the respondent has also filed detailed reply. Necessary rejoinder was also filed and

on the basis of the pleadings of the parties, the following issues were framed by this Court on 24-8-2004 :

- Whether the contention of Respondent/Managing Director that petitioner Dhani Ram has left the job at his own accord w.e.f. 7-9-1994 is proper and justified? OPR.
- If issue No. 1 is not proved, to what service benefits including back wages, seniority and compensation the petitioner is entitled to? OPP.
- Whether the claim in the present forum is not competent and maintainable as alleged? OPR.
- Whether the claim is bad for non joinder of the necessary parties? OPT.
- Relief.

3. The petitioner has led his evidence in support of his claim and thereafter the case was listed for the evidence of the respondent. The case was identified for conciliation and today Shri Roshan Lal Senior Assistant from Hotel Holiday Home, Shimla appeared on behalf of the respondent and stated that the respondents are prepared to engage the services of the petitioner on contract basis even from today. The statement of the respondent has been accepted by the petitioner Shri Dhani Ram and in view of the settlement, the present reference is replied as settled. Let a copy of this order be sent to the appropriate Government for publication in the official gazette.

Announced.

4-1-2006.

Seal

L. N. SHARMA,  
Presiding Judge,  
H. P. Industrial Tribunal-cum-Labour Court,  
Shimla.

In the Court of Shri L. N. Sharma, Presiding Judge, H.P.  
Industrial Tribunal-cum-Labour Court, Shimla

Reference No. : 133/2003

Shri Surjeet Singh

Vs.

Manager M/s Gurraj Auto Services Bamloe Chowk, Shimla,  
H.P.

Present : 6-1-2005.

Shri Hem Raj, AR for petitioner.  
Shri NPS Bhullar, Partner for respdnt.

The following reference has been received for adjudication from the appropriate government :

"Whether the termination of services of Shri Surjeet Singh s/o Shri Rattan Singh by the Manager, M/s Gurraj Auto Services, Bamloe Chowk, Shimla-171001 (H.P.) w.e.f. 17-1-2001 without complying the provisions of the Industrial Disputes Act, 1947 is proper and justified? If not, what relief of service benefits and compensation the aggrieved workman is entitled to?"

The petitioner has filed claim and the respondent has also filed detailed reply. Today the case was fixed for settlement. The Respondent Shri NPS Bhullar, partner of the respondent firm M/s Gurraj Auto Services appeared who has stated that they are prepared to take back the petitioner in same capacity in which he was serving at the time when he left the job i.e. on 17-1-2001.

Statement of Shri Bhullar recorded which has been accepted by the petitioner who has also stated that he is willing to resume his duty in the same capacity in which he was working.

In view of the settlement, the present reference is replied as compromised. Let a copy of this order be sent to the appropriate government for publication in the official gazette.

Announced.

Seal.

L. N. SHARMA,  
Presiding Judge,  
Industrial Tribunal-cum- Labour Court,  
Shimla, H.P.

In the Court of Shri L. N. Sharma, Presiding Judge, H.P.  
Industrial Tribunal-cum-Labour Court, Shimla

Reference No. : 98 of 2002  
Instituted on : 23-4-2002  
Decided on : 10-1-2006.

Vidya Sagar s/o Shri Narain Dutt, r/o Village Nalka, P.O.  
Matter, Tehsil Nahan, District Sirmaur, H.P. ... Petitioner.

vs.

1. The Financial Corporation, through its Managing Director with headquarters at Shimla.
2. The Manager, Financial Corporation, Sirmaur District at Nahan, H.P. ... Respondents.

Reference under Section 10 of the Industrial Disputes Act, 1947.

For petitioner : Shri O. P. Sharma, Advocate.  
For respondent : Shri J. L. Kashyap, Advocate.

#### AWARD

The following reference has been received for adjudication from the appropriate government :

"कि क्या प्रत्यक्ष हिमाचल प्रदेश वित्तीय निगम, नहान द्वारा श्री विद्यासागर दैनिक वेतन चौकीदार की सेवाएं 240 दिन की सेवा पूर्ण करने के उपरान्त औद्योगिक विवाद अधिनियम, 1947 की धारा 25-एफ के प्रावधानों की अनुपालना किए बिना दिनांक 16-3-2001 से समाप्त करना उचित एवं व्यापक है ? यदि नहीं तो उक्त श्रमिक किस सेवा लाभों एवं क्षतिपूर्ति का हकदार है ?"

2. The petitioner has alleged that he was engaged as Chowkidar by the respondents from 21-2-1997 to 15-3-2001 and he had completed 240 days in service as required under Section 25-B of the Industrial Disputes Act, 1947. He has claimed the benefit of Section 25-F of the 'Act'. The petitioner has further alleged that his services were illegally terminated in violation of the 'Act' and he prayed for re-instatement with all consequential benefits.

3. The petition has been strongly contested by the respondent taking preliminary objection that the petition is not maintainable and the Court has no jurisdiction. The petitioner was engaged on contract basis for a limited purpose for limited

period. The applicant is not in the employment of the respondent corporation. On merits, they have admitted that the petitioner was engaged by the corporation as per letter dated 21-2-1997 on daily wages as Chowkidar on contract basis to look after the assets of M/s Anuj Cement (P) Ltd., Dhaulakuan. The applicant has executed the contract on 26-2-1997. The services of the applicant was discontinued vide letter dated 3-4-2002 as the assets of the factory was sold by the respondents and the services of this man was no more required. The applicant again approached the corporation and he was again engaged on 23-4-2004 to look after the assets of M/s Maheshwari Industries, Rukhandi, Tehsil Nahan, District Sirmaur as per agreement dated 12-5-2000 entered into in between the parties. His services were discontinued from 15-3-2001 as the assets were sold. They have further alleged that provision of Section 25-F of the 'Act' are not applicable in the present case and they have prayed for the dismissal of the case.

4. On the basis of the pleadings of the parties, the following issues were framed by this Court on 10-11-2004 :

1. Whether the termination of services of Shri Vidya Sagar petitioner by the respondent w.e.f. 16-3-2000 after completion of 240 days of continuous service and without complying with the provision of Section 25-F of the Industrial Disputes Act, 1947 is proper and justified? ... OPR.
2. If issue No. 1 is not provide, to what service benefits and compensation the petitioner is entitled to? ... OPP.
3. Whether the claim is not maintainable and this Court has no jurisdiction to try and entertain the same as alleged in preliminary objection No. 1 to 3? ... OPP.
4. Relief.

5. In order to prove the case, both the parties have led their evidence. I have heard the learned counsel for the parties and also gone through the record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under :

#### FINDINGS

- Issue No. 1 : Yes.
- Issue No. 2 : Become redundant.
- Issue No. 3 : Not pressed.
- Relief : Reference answered vide operative part of the award.

#### REASON FOR FINDINGS

Issue No. 1 :

6. The case of the petitioner is that he was engaged by the respondent from 21-2-1997 till 15-3-2001 and his services were terminated ignoring the mandatory provision of Section 25-F of the 'Act'. His case is also that he completed 240 days in a proceeding year. To prove the case, the petitioner stepped into the witness box and stated that he was appointed as Chowkidar on 21-2-1997 and his services were terminated on 15-3-2001 as per letter Ex. PW-1/A. One Jagmohan was recruited after his removal. In cross-examination he has admitted that he was engaged to look after the property of M/s Anuj Cement (P) Ltd., Dhaulakuan, Paonta-Sahib. He has admitted that he was appointed temporarily to look after the property which was taken over by the Financial Corporation. He has denied that his

appointment was co-terminus with the take over of the firm. Mark A to D does not bear his signatures. He was getting Rs. 4575/- initially which was later increased. He has denied that he has given application dated 25-4-2000 for re-engagement.

7 The respondent has also examined Shri O.S. Thakur, Deputy General Manager who has stated that the respondent corporation has engaged the service of the petitioner as per letter Ex-PW-1/B on 21-2-1997. An agreement was also executed which is Ex-RW-1/A. The petitioner was terminated on 3-4-2000 when the unit was sold. Thereafter, the petition again approached the corporation vide application dated 25-4-2000 which is Ex-RW-1/B for re-engagement. He was again appointed as per letter dated 25-4-2000 which is Ex-RW-1/C and the agreement is Ex-RW-1/D. The services of the petitioner was co-terminus on transfer of the unit. In cross-examination, he has admitted that the stamp paper of agreement was purchased by Shri Vidya Sagar on 26-2-1997 at Nahan. He has admitted that no notice was served on the petitioner when his services were terminated and no retrenchment compensation was paid to him because he was not the regular employee. The provision of the Industrial Disputes Act is not applicable in this case.

8 From the perusal of the entire oral as well as documentary evidence, it has been proved that the petitioner was engaged as per letter Ex-PW-1/B and he also executed an agreement Ex-RW-1/A wherein it has been specifically mentioned that his services were only engaged to look after the property of M/s Anuj Cement (P) Ltd., Dhaulakuan till it is sold. Similarly, he was again re-engaged as per Ex-RW-1/C and Ex-RW-1/D to look after the property of M/s Maheshwari Industries on similar conditions. If both these letters are taken into consideration, then it is proved that the services of the petitioner was engaged only to look after the property of industrial units and there was a condition that you will continue till the assets are sold. The petitioner has failed to prove that the first appointment was not as per appointment letter Ex-RW-1/B and Ex-RW-1/C. He has admitted that he was engaged to look after the assets of M/s Cement and Maheshwari Industries and it is also admitted that when the assets were sold, the services of the petitioner automatically came to an end as per terms and conditions of the agreement executed by him.

9. In view of the above discussions, the petitioner cannot claim any benefit under Section 25-F of the 'Act'. Accordingly, Issue No. 1 is decided against the petitioner and in favour of the respondent.

Issue No. 2: Become redundant.

Issue No. 3: Not pressed.

#### RELIEF

10. In view of my findings on Issue No. 1 above, the petitioner is not entitled to any relief. Accordingly, the reference is answered against the petitioner. Let a copy of this award be sent to the appropriate government for publication in the official gazette.

Announced in the Open Court today this 20<sup>th</sup> day of January, 2006.

Seal.

L. N. SHARMA,  
Presiding Judge,  
H. P. Industrial Tribunal-cum- Labour Court,  
Shimla.

In the Court of L. N. Sharma, Presiding Judge, H. P.  
Industrial Tribunal-cum-Labour Court, Shimla

Reference No. : 240 of 1998  
Instituted on : 26-10-1998  
Decided on : 10-1-2006

Shri Pal Chand son of Shri Nathu Ram, Village Majahau,  
P.O. Haripur, Tehsil and District Solan, H.P. ... Petitioner.

Vs.

The Executive Engineer, L&PH Division, Solan, H.P.

... Respondents.

Reference under Section 10 of the Industrial Disputes Act, 1947.

For petitioner : Shri Hem Raj, AR.

For respondent : Shri Sandeep Attri, ADA.

#### AWARD

The following reference has been received for adjudication from the appropriate government :

“कि क्या श्री पाल चन्द, कामगार को प्रवचक, अधिशासी अभियन्ता, सिंचाई एवं जन स्वास्थ्य मण्डल, सोलन के द्वारा 240 दिन लगातार कार्य करने के उपरान्त, बिना नोटिस व छटनी मुआवजा दिए बिना नौकरी से निकालना उचित एवं न्यायसंगत है ? यदि नहीं तो कामगार किस क्षतिपूर्ति एवं सेवा लाभों का हकदार है?”

2. The petitioner has filed the claim wherein he has alleged that he was engaged in 1989 and he remained in the job till 1993. The service of the petitioner was terminated, but many people employed after the termination of the petitioner. The petitioner approached the respondent who had simply assured him that they will provide him the work as and when available, but nothing was done. The petitioner has completed 240 days in each calendar year. No. notice or compensation has been paid. There is clear cut violation of Section 25-G and 25-H of the Industrial Disputes Act, 1947 and prayed for re-instatement and other benefits.

3. The respondent has been strongly contested the claim by raising preliminary objections that the petition is barred by limitation and the petition is not maintainable. On merits, the respondent has denied that the petitioner was engaged on 21-6-1989 or he has completed 240 days. They have also alleged that the petitioner has never approached the respondent to provide him any work and he has filed the present petition after a lapse of 8 years. They have denied the remaining contents and prayed for the dismissal of the petition.

4. No rejoinder filed. On the basis of the pleadings of the parties, the following issues were framed by this Court on 25-6-2003.

- Whether the termination of services of petitioner by the respondent is violative of Section 25-F of the Industrial Disputes Act, 1947? ... OPP.
- Whether the petition is barred by time? ... OPR.
- Whether the petitioner had left the job on his own? ... OPR.
- Relief.

5. Both the parties have led their evidence. I have heard Shri Hem Raj, AR for the petitioner and learned ADA for the respondent and also gone through the record. For the reasons

to be recorded hereinafter, my findings on the aforesaid issues are as under :

## FINDINGS

- Issue No. 1 : No  
 Issue No. 2 : Not pressed.  
 Issue No. 3 : Not pressed.  
 Relief : Reference answered vide operative part of the award.

## REASON FOR FINDINGS

Issue No. : 1 :

6. The only controversy in the case is that the petitioner has only worked for more than 240 days and his services were wrongly terminated by the respondent in the year, 1993. No notice or compensation has been paid to him and many other persons were engaged after his termination. In order to prove the case, the petitioner stepped into the witness box and supported the entire contents of his petition. He has stated that he worked till March, 1993 and thereafter his services were terminated. He has submitted representations which are Ex-P-1 to Ex-P-5. Junior to him S/Shri Khem Raj and Ramesh are still working at Patta Barori and he prayed for the relief.

7. In cross-examination he has stated that as he was appointed in the 6<sup>th</sup> Month of 1989 at Solan, but denied that he worked for 5½ months from 1989 to 20-6-1990. He has also denied that he remained absent from duty and left the job at his own.

8. The respondent has also produced Shri P.R. Chauhan Assistant Engineer who has admitted that the petitioner was engaged on 21-6-1989 and he remained on duty with certain breaks upto 2-4-1992 and has not completed 240 days in any calendar year and left the job at his own on 2-4-1992. The petitioner never reported for duty thereafter. In cross examination, he has stated that he joined on 1-4-2005 and having the dual charge of Kandaghat sub-division. He has admitted that the petitioner never remained under his control. Executive Engineer is authorised to appoint Class IV employees on daily wages. He has admitted that the service record of the petitioner never remained in his custody. He is making statement on the basis of the record.

9. From the perusal of the oral as well as documentary evidence, no doubt that the petitioner has tried his level best to prove that he was engaged in June, 1989 and worked till 1993, but he has failed to produce any convincing evidence that he had worked for more than 240 days in a calendar year and in the absence of specific evidence, he is not entitled for any relief. Further as per mandays chart produced by the respondent, the petitioner worked from 20-6-1989 to 20-6-1989 for 208, 21-6-1990 to 31-5-1991 for 169 days. Then 1-6-1991 to 31-10-1991, 1-12-1991 to 3-4-1992 for 240 days and he had not worked thereafter as per mandays chart. It is well settled that if the petitioner want to take benefit of Section 25-F of the 'Act', it is his duty to prove that he had worked continuously for 240 days which is missing in the case in hand. Accordingly, Issue No. 1 is decided against the petitioner and in favour of the respondent.

Issue No. 2 : Not pressed..

Issue No. 3 : Not pressed.

## RELIEF

10. In view of my findings on Issue No. 1 above, the petitioner is dismissed and the reference is replied against the

petitioner. Let a copy of this award be sent to the appropriate government for publication in the official gazette.

Announced in the Open Court today this 10<sup>th</sup> day of January, 2006.

Seal.

L. N. SHARMA,  
 Presiding Judge,  
 Industrial Tribunal-cum-Labour Court,  
 Shimla, H.P.

In the Court of Shri L. N. Sharma, Presiding Judge, H.P.  
 Industrial Tribunal-cum-Labour Court, Shimla

Reference No. : 69/2005

Shri Din Dayal

Vs.

M.D. M/s Unified Poly Fab., Barotiwala Industrial Area  
 Barotiwala, Distt. Solan, H.P.

Present : None 12-1-2006

The petitioner has failed to appear despite service as per AD placed on the Court file. Summons of respondent received undelivered with the report that the factory has already been closed. As none on behalf of the petitioner present despite service. It shows that the has nothing to say in the matter. Accordingly, the reference is replied in negative. Let a copy of this order be sent to appropriate government for publication.

Announced.

Seal.

L. N. SHARMA,  
 Presiding Judge,  
 Industrial Tribunal-cum-Labour Court,  
 Shimla, H.P.

In the Court of Shri L. N. Sharma, Presiding Judge, H.P.  
 Industrial Tribunal-cum-Labour Court, Shimla

Reference No. : 131/2003

Shri Ashok Kumar .

Vs.

G. M. M/s Magtronics Components Parwanoo, Distt. Solan, H.P. and others.

Present : Shri O.P. Sharma, Advocate for petitioner.  
 M/s Veena Sood, Advocate for respondent.

The following reference has been received for adjudication from the appropriate government :

"Whether the termination of services of Shri Ashok Kumar, Security Guard w.e.f. 4-7-1998 by 1. The General Manager, M/s Magtronics Components, Sector-2, Parwanoo, Distt. Solan, H.P. 2. The General Manager, M/s Elin Electronics Ltd., Sector-1, Parwanoo, Distt. Solan, H.P. Without any retrenchment compensation is proper and justified? If not, what relief of service benefits the above workman is entitled to?"

No claim has been filed up till date by the petitioner. Conciliation tried. The petitioner Shri Ashok Kumar who is

present has stated that he has already settled the entire dispute with the respondent for full and final payment of Rs. 30,000/-. The cheque of Rs. 30,000/- has been handed over to him today in the Court by Shri Dheeraj Sharma, Advocate and in view of the settlement and the statement of the petitioner, the present reference is answered accordingly. Let a copy of this order be sent to the appropriate government for publication in the official gazette.

Announced.

L. N. SHARMA,  
Presiding Judge,  
Industrial Tribunal-cum- Labour Court,  
Shimla, H.P.

In the Court of Shri L. N. Sharma, Presiding Judge, H.P.  
Industrial Tribunal-cum-Labour Court, Shimla

Reference No. : 66/2005

Smt. Madhu Bala

Vs.

GM. M/s Pushpawati Spinning & Weaving, Kala Amb, Distt.  
Sirmaur, H.P.

Present : None for the petitioner.  
12-1-2006.

Shri Jagdish Thakur, Advocate for respondent.

The petitioner has failed to appear despite service as per AD placed on the Court file. As none on behalf of the petitioner present despite service. It shows that she has nothing to say in the matter. Accordingly, the reference is replied in negative. Let a copy of this order be sent to appropriate government for publication.

Announced.

Seal.

L. N. SHARMA,  
Presiding Judge,  
Industrial Tribunal-cum- Labour Court,  
Shimla, H.P.

In the Court of Shri L. N. Sharma, Presiding Judge, H.P.  
Industrial Tribunal-cum-Labour Court, Shimla

Reference No. 257/2003.

Shri Hari Singh

Vs.

Manager (Personnel) M/s Him Teknoforge Ltd., Sai Road,  
Baddi, Distt. Solan, H.P.

Present : Shri J.C. Bhardwaj AR for petitioner.  
12-2006

Shri R.P. Sharma, AR for respondent.

The reference has been received from the appropriate Government conciliation tried. The petitioner Shri Hari Singh

who is present in the Court has stated that he has already settled the entire dispute with the respondent for full & final payment of Rs. 15,000/- and re-employment with seniority and continuity in service and his pay will be fixed at par with the other employees who was working with him and in view of the settlement and the statement of the petitioner, the present reference is answered accordingly. Let a copy of this order be sent to appropriate Government for publication.

Announced.

Seal.

L. N. SHARMA,  
Presiding Judge,  
Industrial Tribunal-cum- Labour Court,  
Shimla, H.P.

In the Court of Shri L. N. Sharma, Presiding Judge, H.P.  
Industrial Tribunal-cum-Labour Court, Shimla

Reference No. .. 231/2002  
Instituted on .. 21-8-2002  
Decided on .. 13-1-2006

Shri Bala Ram s/o Shri Nek Ram, Vill. Adgu, P.O. Kujjin,  
Tehsil Pachhad, District Sirmaur, H.P. ... Petitioner.

Vs.

The Divisional Forest Officer, H.P. Forest Division, Rajgarh,  
Distt. Sirmaur, H.P. ... Respondent.

Reference under Section 10 of the Industrial Disputes  
Act, 1947.

For petitioner : Shri J. C. Bhardwaj, AR.

For respondent : Shri sandeep Attri, ADA.

AWARD

The following reference has been received for adjudication  
from the appropriate government :

"Whether the termination of services of Shri Bala Ram s/o  
Shri Nek Ram w.e.f. 13-12-2000 by the Divisional Forest  
Officer, Rajgarh without complying the provision of Section  
25-G and 25-H of the Industrial Disputes Act, 1947 is proper  
and justified? If not, what relief of service benefits and  
compensation the aggrieved workman is entitled to?"

2. The petitioner has filed the claim that his services  
have been wrongly terminated without complying with the  
provisions of the Industrial Disputes Act, 1947.

3. The claim of the petitioner has strongly been  
contested by the respondent wherein the respondent has denied  
the allegations contained in the petition and alleged that the  
petitioner has only worked for 29 days in 1999 and 219 days in  
2000 as per mandays chart appended.

4. On the basis of the pleadings of the parties, the  
following issues were framed on 9-11-2004 :

1. Whether the termination of services of Shri Bala Ram  
petitioner by respondent w.e.f. 13-12-2000 without  
complying the provisions of Section 25-G and 25-H of  
the Industrial Disputes Act, 1947 is proper and  
justified? ... OPR.



2. If Issue No. 1 is not proved, to what relief of service benefits and amount of compensation the petitioner is entitled to? ... OPR.

3. Relief.

5. The petitioner during his examination has simply stated that he is prepared to work anywhere within the division provided he be engaged for the work as and when available with the Forest Department. The petitioner also stated that if the work is provided to him, he will not press the present reference petition. The offer of the petitioner has been accepted by Shri Rajesh Kumar, Range Forest Officer, Narag who has stated that the petitioner will be provided departmental work of plantation, construction etc., as and when the same is available with the department keeping in view the seniority of the existing workman.

6. In view of the settlement, the petitioner does not want to press the present reference. Accordingly, the reference is replied as settled. Let a copy of this award be sent to the appropriate government for publication in the official gazette.

Announced in the Open Court today this 13<sup>th</sup> day of January, 2006.

Seal.

L. N. SHARMA,  
Presiding Judge,  
Industrial Tribunal-cum- Labour Court,  
Shimla, H.P.

In the Court of Shri L. N. Sharma, Presiding Judge, H.P.  
Industrial Tribunal-cum-Labour Court, Shimla

Reference No. 160/2002.

Shri Hardeep Singh

V/s

M.D. M/s Glob Precision Industries (P) Ltd., Baddi,  
Distt. Solan, H.P.

Present : Shri Baldev Verma, AR for petitioner.

13-1-2006

Shri V. K. Gupta, AR for respondent.

The reference has been received from appropriate Government. Conciliation tried. Rs. 8,025/- has been paid to the petitioner in cash by Sh. R. P. Sharma, Senior Personnel Manager, which amount has been accepted by the petitioner as per settlement and statement of the parties. The petitioner does not want to press the present reference, which is replied accordingly as settled. Let a copy of this order be sent to the appropriate government for publication.

Announced.

Seal.

L. N. SHARMA,  
Presiding Judge,  
Industrial Tribunal-cum- Labour Court,  
Shimla, H.P.

In the Court of Shri L. N. Sharma, Presiding Judge, H.P.  
Industrial Tribunal-cum-Labour Court, Shimla

Reference No. : 129 of 2000  
Instituted on : 16-8-2000  
Decided on : 17-1-2000

Kapra Mazdoor Lal Jhanda Union, Sai Raod, Birla Mill,  
Baddi, District Solan, H.P. through its General Secretary  
... Petitioner.

V/s

M/s Birla Textile Mills, Sai Raod, Baddi, District Solan,  
H.P. through its Manager  
... Respondents.

Reference under Section 10 of the Industrial Disputes  
Act, 1947.

For petitioner : Shri Ashok Aggarwal, Advocate.

For respondent : Shri R. K. Jain, Advocate with Shri  
Jagdish Thakur, Advocate

#### AWARD

The following reference has been received for adjudication  
from the appropriate government :

"Whether the demand raised by Kapra Mazdoor Lal Jhanda Union (CITU) (Un-registered) Birla Mills, Sai Road, Baddi, District Solan, H.P. with the management of M/s Birla Textile Mills, Sai Road Baddi, District Solan, H.P. vide their demand charter dated 10-6-2000 read with the demand charter dated 31-1-2000 (copies enclosed) are genuine and justified. If yes, which of their demands should be accepted and from which date?"

2. The petitioners have filed the claim alleging that as per direction of the Hon'ble Supreme Court, the respondent textile Mill was shifted from Delhi to Baddi in Himachal Pradesh. 1841 workers also joined their services at Baddi as per direction of the Hon'ble Supreme Court. The petitioners further alleged that their services are required to be governed in terms and conditions laid down by the Hon'ble Supreme Court as reported in case M.C. Mehta V/s Union of India 1996 (4) SCC 7501 and they have reproduced the relevant provisions of Para 9 (a) to (f) of the judgment regarding continuity of employment, the period between the closure of industry at Delhi and the period should be treated as active employment, all the workers who were willing to shift shall be given one year wages as shifting bonus and persons who are not interested shall be entitled for retrenchment compensation for not less than one year wages. They are also entitled for gratuity payment. In view of the direction earlier, respondent company was not prepared to relocate its industry elsewhere, but on the suggestion of the Hon'ble Supreme Court they shifted to Baddi. The wages at Baddi was being paid to all the workers is much less than for which they were entitled under the law passed by the Hon'ble Supreme Court from time to time. The petitioners have served the charter of demand on 31-1-2000 for 15 demands relating to the wages for which the workmen are entitled and some other demands improving the service conditions. When the demands were not accepted, the petitioner union served a strike notice dated 10-6-2000 in support of their demands they proceeded on strike w.e.f. 12-7-2000 which is still continuing. The strike has been prohibited by the State of Himachal Pradesh. The workers were assaulted and they were also lathi-charged and false cases were registered against them. On the basis of their demand charter, the appropriate government has referred the matter to this Court. They have reproduced all the 15 demands raised by them in their demand charter dated



31-1-2000. They have also demanded that they are entitled to the protection of the terms and conditions of their employment and are also entitled to basic pay and variable dearness allowance on the principle of 90% neutralization in accordance with Vaidya Lingam Award. They have submitted that the respondent has been paying wages to the workers which they were getting since November, 1996 without any increase.

3. The other allegations of the petitioners are that they availed the Janamashtmi holiday and resorted to strike on 26-8-1999 and their wages for 8 days have been deducted for the month of August, 1999. The workers had regularly availed Janamashtmi holiday as this holiday was allowed to them in Delhi prior to 1996. Hence, the deduction of strike of 1 day is illegal. They have also requested for the revocation of the suspension order and installation of punching machine at the gate. They are also demanding the Rest House and other transport facilities.

4. The claim of the petitioners has been strongly contested by the respondent taking preliminary objection that the reference is bad in law and is not maintainable as the petitioner union has no *locus standi* to espouse any dispute much less any industrial dispute on behalf of the workers. The petitioner union is not registered and there is nothing to prove that required formalities for raising such dispute has been undertaken by the petitioner union, which is a pre-condition. The reference has been referred in a mechanical manner. The contempt petition regarding grant of Dearness Allowance has already been dismissed by the Hon'ble Supreme Court dated 28-11-1989.

5. On merits, the respondent has admitted that their factory has been shifted from Delhi to Baddi in Himachal Pradesh after its closure. The production has been started in 1999 and suffered heavy losses as per detail given in Paras 3 to 7 of the reply. Further in the past 2-3 years, there has been steep down in the growth of Textile Mills. Before taking into consideration the charter of demand, the financial position of the company is also required to be considered. They have further alleged that as per general principle laid down by various Hon'ble High Courts and Hon'ble Supreme Court, the "Industry-cum-Region" formula has to be followed, the salary and other benefits as given to the other Textile Mills are not to be taken into consideration. They have admitted the directions of the Hon'ble Supreme Court and stated that the workmen have been paid the amount as directed by the Hon'ble Supreme Court. The respondent has further stated that despite the undertaking given by the workers, they would abide by the rules and regulations, but large number of workmen for the reasons best known to them indulged in various activities. They have denied the remaining contents and stated that in the conciliation proceedings, the matter was agitated by the respondent on the ground that the petitioner union is neither the representative or recognized, hence having no *locus standi* to raise the demand on behalf of the workmen. They have further made it clear that the service condition of the workmen has not been altered and they are getting the same wages as they were drawing at Delhi at the time of closure of the Mill and its re-start at Baddi. The Vaidya Lingam Award in respect of Dearness Allowance cannot be made applicable to the Textile Workers working in Himachal Pradesh. They have also denied that the salary for 8 days has been deducted from the pay of all the workers, but clarified that the workmen of night shift on 24-8-1999 and 25-6-1999 has left their working and as a result of which no work could be carried out. It tantamount to illegal strike. Total number of workers were 231 in the illegal strike and the salary has legally been deducted under the provision of Payment of Wages Act, 1936. They have denied the remaining contents of the petition and prayed for the dismissal of the same.

6. No rejoinder to the reply of the respondent has been filed by the petitioner union and on the basis of the pleadings of the parties, the following issues were framed by this Court on 14-6-2001:

1. Whether the reference is not maintainable in view of the preliminary objection raised by the respondents  
... OPF
2. Whether the demand raised by the petitioners *vide* their demand charter dated 31-1-2000 is not justified  
... OPF
3. Relief.

7. In order to prove the case, both the parties have led their evidence. I have heard the learned counsel for the parties and have also gone through the record carefully. For the reason to be recorded hereinafter, my findings on the aforesaid issues are as under :

#### FINDINGS

Issue No. 1 :	Yes.
Issue No. 2 :	Yes.
Relief :	Reference answered <i>vide</i> operative part of the award.

#### REASON FOR FINDINGS

##### Issue No. 1 & 2 :

8. Both these issues are interlinked and interconnected and are taken up together for discussion and decision. The petitioner union has examined 3 witness in support of their case: PW-1 Shri Rama Kant who has stated that he joined the service on 5-1-1978 at Delhi and he worked upto 30-11-1996. Thereafter the mill was shifted to Himachal Pradesh after its closure as per direction of the Hon'ble Supreme Court and it is now functioning at Baddi. According to this witness, the management is not paying the Dearness Allowance as was prevalent in Delhi. He is General Secretary of the Union and their demand is with regard to payment of Dearness Allowance. They submitted the demand charter dated 31-1-2000 and when their demands were not accepted, they proceeded on strike on 12-1-2000. At Delhi, they were having the facilities of House, books to children, school uniform, free education, canteen, but no such facility has been provided to them at Baddi. The attendance card was issued to them at Delhi on which their monthly salary was written, but the same has not been provided at Baddi. They were provided the holidays during Holi, Divali, Janamashtmi which has been stopped at Baddi. They were getting the Dearness allowance as per Vaidya Lingam report which is Ex-P-6. The association has filed the case against the respondent which is pending at Tis Hazari Court. The management has curtailed the facility of exchange of letter, whereas this is available in other factories who were shifted to Rajasthan, Punjab. In cross-examination the witness has admitted that their union is not registered, but they have applied for the same in August or September, 1999; but no registration has been done because of the strike. The management did not allow the registration of the union. They have not served any written complaint about this. However, orally informed the head office at Shimla. This union is registered in Delhi and is having its own constitution. But he does not know whether there is any provision in the constitution that the same union can be registered outside Delhi. He is General Secretary since 15-8-1999. This union at Baddi has 200 to 250 members in 1999 who are giving Rs. 10/- as Chanda per month. The accounts are maintained in the union office, but they do not have an

bank account. Register of proceeding has also been maintained by them. They had called the meeting of General Body and Executive body by raising demand dated 31-1-2000, but he do not remember the dates. The entries were made in the proceeding register, which has not been produced. There were about 39 members of the Executive Committee. The entry is not made in the register about this body meeting. There were about 1400-1500 workers working in the factory at that time. The demand charter was signed by him as was authorised by the General Body and Executive Body. No written resolution was passed. He was working as a Fitter Helper in Processing Department at Delhi. He was dismissed by the company. He has admitted that at the time of shifting of unit to Baddi, his name was in the Processing Unit list. He has admitted that Processing House Unit has not started functioning. Notice board is fixed outside the gate meant for the workers. Vaidya Lingam Award was given in 1973 and it was meant for all the factories in Delhi only. This award was not made applicable to the Textile Mills outside Delhi. They have received the shifting bonus of 12 months salary at the time of shifting of unit to Baddi. They have also taken the pay from December, 1996 to 1998 for 28 months. The money was paid through the forms similar to Ex-MO-1. The payments were made in the present of Himachal Pradesh Joint Labour Commissioner. They have not made any written objection at the time when they received the payments. The pay which they were getting in Delhi in November, 1996 was not more than the pay which they were getting in April, 1999. He has admitted that the wages for un-skilled Rs. 1530/-, Semi-Skilled Rs. 1628/- and highly skilled Rs. 1713/-. They have filed the contempt petition in the Hon'ble Supreme Court for not getting the Dearness Allowance. He has admitted that the petition has been dismissed by the Hon'ble Supreme Court with the direction that the matter may be raised before the Tribunal. He has denied that no such direction was given by the Hon'ble Supreme Court. There are other Textile Mills at Baddi and admitted that Dearness Allowance is not being paid in these mills. He has denied that the strike of 12-7-2000 was prohibited by the State of H.P. which was called off by them. Statement of claim has been signed by him. Attendance of 237 people has been scored off for 8 days. The workers were from different departments. He has admitted that there was no production on the shift on 24-8-1999 because company did not allow them to work. No individual dispute was raised by the workers regarding deduction of wages for these days. Dispute was raised through the union. The workers authorised the union only verbally. Deduction was made in the salary paid in August, 1999. They have not mentioned in the charter of demand as to which suspension orders are to be revoked. It relates to all the suspended employees, but he do not know the exact number of employees. Transfer orders were given to 237 workers of Processing Department. He admitted that out of 237 workers, only 4-5 persons remained in the employment. He has denied that notice was displayed on the notice board for the training of Dying etc. and 37 workers had got enrolled for the purpose. He has admitted that the persons who were given the houses at Delhi were allotted houses here. He has admitted that 7 paid holidays are given to them, but they are not getting any money in lieu of 2 holidays. All the workers are covered under ESI, but denied that there is a part time doctor available in the factory premises. There is also a canteen facility, but it is in separate building.

9. PW-2 is Shri Ram Vilas who has also made the similar statement as that of PW-1. In cross-examination, he has stated that he started working on binding machine when he came to Baddi. He is getting the salary which he was getting in Delhi, but the increase in DA after 1996 was not paid. He has admitted that PW-2/A and PW-2/B are having different amounts depending upon actual days of working and these documents do not reflect the rate, but only the payment received for that particular month on the basis of the working days. He do not know when the

demand charter was submitted. He is member since 1970 and he is paying monthly chanda.

10. PW-3 is Ghamandi Lal who was also transferred from Delhi after 1996. Dearness Allowance is not being paid to them. At present, he is getting Rs. 100/- less per month. Attendance Cards Ex-PW-3/A-10 to 21 issued to him at Baddi. In cross-examination, he has admitted that shifting bonus and pay for 28 months has been received by him vide Ex-M-2. The money was paid through cheque. It is correct that whatever payment was given to him in November, 1999. The Dearness Allowance is to be paid as per Vaidya Lingam Report. Notices Mark 4 & 5 were given to him by the Union. Ram Vilas was given the shifting bonus of 28 months salary.

11. The respondent has also examined Shri K. M. Rathi who has filed an affidavit Ex-RW-1/A supporting all the contents of the reply. In cross-examination, the witness has been asked about the attestation of his affidavit. The loss of Rs. 171 lac has been entered in the affidavit on the basis of balance sheet of the respondent company. The losses from April, 1999 till 1999 are also mentioned in the affidavit on the basis of the balance sheet. The witness has been deferred and again was re-examined. This witness when appeared on 27-3-2003 stated that he has already left the job of the company. He has brought the original balance sheet of the company and denied that the respondent company is running in profit and loss in the balance sheet is cautious.

12. RW-2 is Shri Vibhour Gupta who has also tendered his affidavit Ex-RW-2/A in his evidence which also support the entire stand taken in the reply of the respondent. In cross-examination, the witness has admitted that all the workers who were working at Delhi had joined at Baddi. The training was imparted to freshly recruited workmen and also to the workers working in Delhi. He do not remember the name of the workers who had not undergone the training. He has denied that all the workers against whom he has submitted the report and a false report has been made only to victimize the persons. He has admitted that notice Ex-M-89 to M-95 were not served upon the workers personally, but displayed on the notice board. The notice Ex-M-89 to Ex-M-111 were not issued by him. Out of 37 workmen, 24 workmen left the job after settlement as per the list supplied by the time department. But he has not brought the record. The information regarding retirement of 18 workmen was supplied to him by the Time Department. The record regarding all the workmen is with the Time Department. There is no Processing Unit at Baddi as the Mill at Baddi is a Spinning Mill.

13. RW-3 is Shri R. K. Sharma who has also tendered his affidavit Ex-RW-3/A in which he has also supported the stand taken by the respondent in the reply. In cross-examination, he has stated that he joined at Baddi after leaving his job at Rajasthan. He is not aware about the structure of Mill at Delhi where the mill was having at Delhi. The contents of Para 1 to 10 of his affidavit is based on the record. Rest of the cross-examination is based on the training and control of different departments. He do not have any information which of the employee was having accommodation at Delhi and who has not vacated the same after shifting to Baddi. He is also not aware about the emoluments etc. and other facilities available to the workers in Delhi and the difference if any about the same at Baddi.

14. RW-4 is Shri A. K. Sinha, Senior Manager (P & A) who has also tendered in evidence his affidavit Ex-RW-4/A supporting the stand taken by the respondent in the reply. In cross-examination, he has admitted that the workmen were getting Dearness Allowance as per Consumer Price Index at Delhi recommended by Vaidya Lingam in the form of an award. The Mill was shifted to Baddi as per direction of the Hon'ble

Supreme Court on the same terms and conditions applicable to the workers in Delhi. The workmen were entitled to the same terms and conditions at Baddi as applicable in Delhi. He has not brought a balance sheet of the company showing the losses suffered by them as per information contained in Para 8 of his affidavit. He has admitted that after shifting of the factory to Baddi, the dearness allowance is not being paid to the workers. As no such practice is prevalent in Himachal Pradesh. The petitioners have served the notice dated 31-1-2000 agitating 15 demands including pay of Dearness Allowance, but no settlement could be arrived at between the parties. The workers had gone on strike which was prohibited by the State of Himachal Pradesh in July, 2000. He has admitted that Dearness Allowance is the part of salary which was frozen on the basis of salary last drawn at Delhi and thereafter, they are not being paid dearness allowance. Each of the worker is getting Rs. 1224/- per month less as salary due to non payment of dearness allowance. He is not knowing that in Delhi, the management was running schools for the children who were getting education, transport. He is also not knowing that the workers were getting Janamashtmi holidays. He has admitted that they are not getting such holidays at Baddi as the holidays are being given to them as per norms fixed by the State of Himachal Pradesh. He has denied that the workers had availed holidays in 1999 and 8 days wages were deducted. He has denied that the workers had not resigned or abandoned the job, but they were retrenched by way of victimization by taking part in the union activities such as strike.

15. From the perusal of the entire oral as well as documentary evidence, it has been proved that the only dispute involved in the case is with regard to the non payment of dearness allowance for which the petitioners are demanding on the basis of Vaidya Lingam Award dated 23-11-1973, Ex-P-6. The learned counsel appearing for the petitioners has restricted his argument only on demand No. 1, 2 and 10 and he has stated that the petitioners are not pressing for the remaining demands. The learned counsel for the petitioners has pointed out that if Ex-P-4 and Ex-P-6 are taken into consideration, the combining of the wages is a change in service condition and is a clear cut departure from the directions issued by the Hon'ble Supreme Court. There is no dispute about the closure of the Mill as per directions issued by the Hon'ble Supreme Court from Delhi and its shifting to Baddi as per directions given in judgment 1996 (4) SCC 7501 titled *M.C. Mehta Versus Union of India & Ors.* and 1999 (3) LLN-19 titled *Workmen of Birla Textiles Versus K.K. Birla & Ors.* Para 3 Sub Para (2) is reproduced :

(2) "All such workmen who report at Baddi on 14 January, 1999 and 15 January, 1999 and sign or put their thumb mark in a register before the two designated Deputy Labour Commissioners, shall be entitled to the benefits of the orders of this Court, dated 8 July, 1996, and subsequent orders in respect of continuity, back-wages from date of closure of the industry till date of rejoining in addition to one year's wages towards shifting bonus. The said amount will be paid by the industry to each workman, within one week of the workmen rejoining at Baddi."

16. From the bare reading of Sub Para (2) of Para 3, it has been made clear that all the workmen who report at Baddi and put their thumb mark in the register before the Deputy Labour Commissioner shall be entitled to the benefits of the order of the Court from 8-7-1996. The workers have failed to produce any document or record showing the variation in the payment which they were drawing at Delhi and now drawing at Baddi. The learned counsel for the petitioner union is giving more stress on Vaidya Lingam Award dated 23-11-1973 and according to him, all the workers are entitled to drawn dearness allowance in accordance with the award, but the argument of the learned counsel cannot be accepted as in the award, it has been made clear that the

benefit of this increase in dearness allowance shall be applicable only to Textile Workers at Delhi, meaning thereby that they cannot claim any benefit so far this award is concerned. There is no dispute that the workers were entitled to draw the pay which they were drawing at Delhi with all other benefits and if the documents Ex-P-4 and Ex-P-5 which are photocopies if taken into consideration would also proves that the worker who was getting Rs. 2108/- per month at Delhi is drawing Rs. 2235/- per month at Baddi. It has been admitted by Shri Rama Kant PW-1 that there is no detail in this document for how many days in a month, the wages were paid to him. It was the duty of the petitioner union to produce the relevant record proving that their wages has been reduced and they are not getting the similar benefits as they were getting at Delhi. In the absence of specific documentary evidence, they are not entitled for any relief from the Court.

17. The learned counsel for the petitioner has placed reliance on AIR 1986 SC 1794, titled *The Monthly rated Workmen at the Wadala Factory of the Indian Hume Pipe Co. Ltd., Appellants V. The Indian Hume Pipe Co. Ltd., Bombay, 1977 Lab. I & C 1304*, titled *Hindustan Antibiotics Ltd. and another V. Ramdas Trimbak*. But the law laid down by their lordships is of no help to the present case as the facts of the case in hand and the case decided by their lordships are entirely different. Hence, these cases are not applicable in the present case. The petitioner union has also failed to produce any document showing that the salary of which of the employee for 8 days during August, 1999 has been deducted by the respondent company. Their stand is that the workers had gone to avail the Janamashtmi on 25-8-1999, but it has been admitted by the counsel that it was not Janamashtmi on 24-8-1999, hence the question of availing Janamashtmi without seeking prior approval is gross indiscipline and the respondent company is entitled to deduct the salary as per provisions contained in Section 9 of Payment of Wages Act, 1936, which is reproduced :

"9. Deduction for absence from duty.—(1) Deductions may be made under clause (b) of sub-section (2) of Section 7 only on account of the absence of an employed person from the place or places where, by the terms of the employment, he is required to work, such absence being for the whole or any part of the period during which he is so required to work.

(2) The amount of such deduction shall in no case bear to the wages payable to the employed person in respect of the wage-period for which the deduction is made a large proportion than the period for which, he was absent before to the total period, within such wage-period, during which by the terms of his employment, he was required to work:

Provided that, subject to any rules made in this behalf by the State Government, if tea or more employed persons acting in concert absent themselves without due notice (that is to say without giving the notice which is required under the terms of their contract of employment) and without reasonable cause, such deductions from any such person may include such amount not exceeding his wages for eight days as may by any such term be due to the employer in lieu of due notice."

18. Moreover in the absence of specific evidence, no relief regarding deduction of pay for 8 days can be given.

19. The learned counsel for the respondent has also argued that the respondent company is making the payment of wages to the workers as per directions of Hon'ble Supreme Court. It has been proved on record that the worker who reported for duty at Baddi has been paid wages in the presence of two

authorised officials and none of the worker had raised any objection at the time when they received the salary in accordance with the directions of the Hon'ble Supreme Court.

20. There is no evidence brought in support of Demand No. 10 that on which day the wages for holiday has been deducted by the respondent. It has been admitted and proved on record that the respondents are providing 7 paid holidays to the workers as admissible in the State of Himachal Pradesh. The petitioner union themselves had admitted that it is not a registered union. Further no resolution on the basis of which the Union was authorised by the workers to raise the demand or to contest the case before the Court has been produced. The demand charter dated 31-1-2000 and 10-6-2000 has only been signed by PW-1 Shri Rama Kant, but this witness has failed to produce the original register where the general house meeting was held and the demands were raised by the workers. There is also nothing on record to show that the person appearing before the Court are authorised to agitate the matter on behalf of the workers. Even the original register where the resolutions were passed has not been produced in the Court which clearly proved that they are not authorised persons to represent the workers before the Tribunal.

21. The learned counsel for the respondent has further argued that there is nothing on record to prove that the petitioner union is authorised to agitate the demand on behalf of all the workers. According to him, there are over 1800 workers in the respondent factory and no documentary evidence has been brought on record proving that the petitioner union is authorised to raise such like dispute. According to him, the petitioner union is having no locus standi to file the claim or agitate the demands on behalf of all the workers. The learned counsel for respondent has placed reliance on L.J. 1975 (1) High Court of Judicature, Calcutta-293 titled Deepak Industries Ltd. V. State of West Bengal.

22. The learned counsel for the respondent also argued that the respondent has raised the preliminary objection about the locus standi of the petitioner union, but despite the objection and the cross-examination of the witnesses produced by the petitioner union, no record or the proceeding on the basis of which, the petitioner union was authorised to raise the demand or agitate the matter has been proved on record. Even PW Shri Rama Kant who is the General Secretary of the so called union has simply stated that the meeting was held and he was authorised by the majority to raise the demand and also file the present case. According to him, there are 200 to 250 members of their union who are paying Rs. 10/- as chanda, but it is not clear why relevant record has been kept secret from the Court. The learned counsel for the respondent has further argued that before the matter is agitated by the petitioner union there must be some material on which it can be held reasonably that the union is duly authorised to espouse the cause of the said employees of the respondent in the said reference. In the absence of any such material evidence either a resolution of the members or authorization by an individual workmen out of the 1800 workmen or substantial number of them, it cannot be said that the respondent union had the capacity of authority to represent the employees of the respondent at any stage. In the facts of this case, it must be held that there was no industrial dispute within the meaning of S. 2 (k) of the Industrial Disputes Act, 1947 as the union who espoused the cause of the employees of the respondent had no valid or legal authority to represent the employees.

23. In view of the above discussion, the petitioner union has failed to prove their locus standi to file the present dispute. Moreover, they have also failed to prove that they are not getting the same salary which they were getting at Delhi or there is any

deduction in holidays of worker and in the absence of specific evidence, both these issues are decided against the petitioner.

### RELIEF

24. In view of my findings on issues no. 1 & 2 above, the present petition is dismissed and the reference is awarded against the petitioners. Let a copy of this award be sent to the appropriate government for publication in the official gazette.

Announced in the Open Court today this 17<sup>th</sup> day of January, 2006.

Seal.

L. N. SHARMA,  
Presiding Judge,  
Industrial Tribunal-cum- Lab. ar Court,  
Shimla, H.P.

In the Court of Shri L. N. Sharma, Presiding Judge, H.P.  
Industrial Tribunal-cum- Labour Court, Shimla

Reference No. : 47/2003

Shri Ram Rattan

Vs.

Executive Engineer, HPSEB Division, Parwanoo Distt.  
Soln, H.P.

Present : Shri Virender Singh Kanwar, Adv. Ld. Cl. for  
17-1-2006 petitioner.

Shri V. K. Gupta, AR. for respondent.

The learned counsel for petitioner has stated that he has no instructions to appear on behalf of petitioner for today. Even the LRs have not approached him to contest the present reference before the Court. As per terms and conditions of reference, it was the duty of petitioner or his LRs to prove that the services of petitioner were illegally terminated without complying the provisions of Industrial Disputes Act, 1947. But the petitioner or his LRs have failed to prove any illegality.

Accordingly, the present reference is replied against the petitioner. Let a copy of this order be sent to appropriate Government for publication in the official gazette. It be consigned.

Announced.

Seal.

L. N. SHARMA,  
Presiding Judge,  
Industrial Tribunal-cum- Labour Court,  
Shimla, H.P.

In the Court of Shri L. N. Sharma, Presiding Judge, H.P.  
Industrial Tribunal-cum-Labour Court, Shimla

Reference No. 106/99.

19-1-2006

Shri Bhim Singh & others.

Vs.

Divisional Forest Officer, Rajgarh, Distt. Sirmour, H.P.

Present : Shri A. K. Gupta, Adv. CL for petitioner.  
19-1-2006

AWARD

Shri Sandeep Attri, Ld. A.D.A. for respondent.

The following reference has been received from the appropriate government for adjudication :

Today, the case is listed for cross-examination of petitioner, but he is not present. From the perusal of the Court file, it appears that case was listed for cross-examination of petitioner on 27-7-2005, 29-9-2005, 21-12-2005 and 19-1-2006. But petitioner is not present for cross-examination. The learned counsel for petitioner has stated that the petitioner has gone to Bihar and he is unable to locate his whereabouts. The reference is lying pending in the Court since 1999 and the issues were framed on 15-11-2000. Thereafter, it was listed for petitioner's evidence and ultimately the petitioner appeared for his evidence on 14-5-2003 as the respondents were proceeded against *ex-parte*. The *ex-parte* orders were set-aside as per order dated 20-4-2005 and thereafter the case was listed for cross-examination. But the petitioner has failed to appear despite numerous opportunities. Moreover, the onus to prove Issue No. 1 was on petitioner. But he could not prove any contravention of I. D. Act, 1947. His only stand is that he had completed 240 days in service. But again his plea has not been proved particularly in view of Annexure R-1, which is amended chart filed by respondent and according to this chart, the petitioner never worked for more than 90 days in a particular year which means that he cannot claim any benefit under Section 25 F of I. D. Act, 1947. Hence this issue is decided against the petitioner. In view of my findings on Issue No. 1, Issue No. 2 has become redundant.

In view of my findings, there is no merit in the present case and the reference is replied against the petitioner and is announced accordingly. Let a copy of this order be sent to the appropriate Government for publication in the official gazette. It be consigned.

Announced.

Seal.

L. N. SHARMA,  
Presiding Judge,  
Industrial Tribunal-cum- Labour Court,  
Shimla, H.P.

In the Court of Shri L. N. Sharma, Presiding Judge, H. P.  
Industrial Tribunal-cum-Labour Court, Shimla

Reference No. 113 of 1999

Instituted on : 28-6-1999

Decided on : 10-3-2006

Shri Janak Raj, Ex-conductor, .. Petitioner.

Versus

1. The Regional manager, Himachal Road Transport Corporation, Rampur Unit.

2. The Managing Director, Himachal Road Transport Corporation, Head Quarter, Shimla-3 through its management.

.....Respondents.

Reference under section 10 of the Industrial Disputes Act,  
1947.

For petitioner : Shri O.P. Chauhan, Advocate

For respondent : Ms. Rita Thakur, Advocate

"Whether the termination of services of Sh. Janak Raj, Ex-conductor by (1) Regional Manager, Himachal Road Transport Corporation, Rampur Bushehar, District Shimla, Himachal Pradesh and (2) Managing Director, Himachal Road Transport Corporation, Shimla w.e.f. 18-1-1995 on the grounds of issuing short tickets to the passengers without affording the reasonable opportunity of his defence/being heard in person in consonance with the principles of natural justice, is legal and justified and whether the above penalty imposed upon the worker attracts the provisions of Section 11-A of the Industrial Disputes Act, 1947 being disproportionate to the alleged offence. What is the effect and to what relief of service benefits including reinstatement, back wages, seniority and amount of compensation, Sh. Janak Raj is entitled to?"

2. "Whether the enquiry conducted by the management against the worker is vitiated, as alleged. If so, to what effect?"

2. The petitioner has alleged that he was appointed as Conductor on 15-12-1982 and on 21-5-1990 when he was on duty his bus was checked and 4 passengers were found without ticket from Bhota to Tikkar. The fare per passenger was 75 paise and total amount Rs. 4/-. On the same day in the evening, his bus was again checked and 40 passengers were found without ticket and total fare comes to Rs. 65.50 paise. On the basis of the checking, a case was made against the petitioner. He was charge sheeted vide Memo dated 7-7-1990. The petitioner has given the reply and thereafter, the Inquiry Officer was appointed. The enquiry was completed for more than 17 months by the Regional Manager, Dharamshala. The petitioner has given the reason that why he could not issue the ticket to the passengers. His bus was checked by S/Shri Fithoo Ram, Kishori Lal and Chet Ram, but the Inquiry Officer examined one person and thereby a great injustice has been caused. The Inquiry Officer has not given full opportunity to cross-examine the witnesses. The Inquiry Officer has given his finding only on the basis of one witness who checked the bus. After the enquiry report, show cause notice was issued to the petitioner which was replied, but ultimately the petitioner has been removed from service vide letter dated 18-1-1995. The petitioner has filed an appeal against the removal order to the Divisional Manager, HRTC, Shimla, but his representation has been rejected. He has also given the detail of certain persons who were caught and allowed to remain in service. The petitioner has also prayed for the relief.

3. The petition has been strongly contested by the respondent and filed the detailed reply wherein they have denied the allegations contained in the claim, but alleged that the petitioner has failed to issue tickets while on duty and when his bus was checked, the passengers were found without ticket. The petitioner has collected the amount which was misappropriated by him and the respondent/employer has been deprived from the revenue. The petitioner was in the habit of misconduct as he refused to go on duty when the bus was checked as per entry made in the Way Bill as well as in the Log book. They have denied the remaining allegations and alleged that the enquiry has been properly conducted by affording due opportunity. The petitioner indulged in 43 cases of mis-appropriation since his appointment and the penalty imposed is justified and they prayed for the dismissal of the petition.

4. The petitioner has filed the rejoinder wherein he has controverted the stand taken by the respondent and reiterated

the stand taken in the claim and prayed for the relief.

5. On the basis of the pleadings of the parties, the following issues were framed on 11-9-2003:

1. Whether the termination of the petitioner by the respondents is against the principles of natural justice, illegal and unjustified? ..OPP.
2. In case issue No. 1 is not proved in affirmative, whether the penalty imposed upon the petitioner by the respondents for the alleged act of misconduct is disproportionate to the alleged misconduct? ..OPP.
3. Relief.

6. In order to prove the case, parties produced the evidence. I have heard the learned counsel for the parties and have also gone through the record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under:

#### FINDINGS

Issue No. 1 .. No  
Issue No. 2 .. No

Relief Reference answered against the petitioner vide operative part of the award.

#### REASONS FOR FINDINGS

Issue No. 1 & 2:

7. Both these issues are interlinked and are taken up together for discussion and decision. The petitioner in support of his case examined 3 witnesses including himself. PW-1 is the petitioner himself who has supported the contents of the petitioner about the checking of the bus and persons found without ticket. He has stated that no opportunity was afforded to him during the course of enquiry to cross-examine the witness. The department has not examined the Inspectors who have checked the bus and reported the matter. His services were terminated without issuing any notice and without taking into consideration the reply submitted by him. His appeal has also been rejected whereas the appeal of the other persons were accepted. In cross examination, he has admitted that his bus was checked on 21-5-1990, but denied that he had not issued tickets to 40 passengers. He has denied that he has collected fare from 4 passengers when his bus was checked at 1.14 PM. He has denied that he misbehaved with the checking staff at the time of checking of his bus. He has denied the record i.e. the remarks recorded in the Log Book and Way Bill. He has denied that he has refused to do the duty after checking of the bus and another conductor Shri Dharam Chand was deputed in his place. He has admitted that departmental enquiry was conducted, but denied that proper procedure was followed and full opportunity was given to him. He has shown his ignorance about 43 similar cases which were reported against him since 1982.

8. PW-2 is Shri Lek Raj who has stated that he was traveling in the bus on 21-5-1990 and boarded the bus from Thanakalan to Jungle Beri. The vehicle was checked at Didwin bus stop. 4 passengers boarded the bus and the conductor was issuing the tickets when the bus was checked by the Inspector. 4 passengers who boarded the bus got down and the Inspector asked the passengers to produce the tickets and they told that they boarded the bus at Didwin itself. No bus fare was paid by them to the conductor. There was altercation between the passengers and

the Inspector and he told that they boarded the bus at Didwin itself. The bus was again checked at Plohi at a distance of about 2 kms from Sujanpur by the same checking party and the conductor was issuing the tickets when the checking party stopped the bus. The persons had not paid the bus fare to the conductor. No altercation had taken place in between the petitioner and the checking party and no statements were recorded of the passengers traveling by the checking party.

9. In cross-examination, he has stated that he boarded the bus at 11.00 AM and got down at Jungle Beri at 6.00 PM. He cannot tell the exact number of passengers who boarded and got down from the bus from back window. He has denied that 4 passengers got down at Didwin. He has denied that he is deposing falsely. The witness also stated that he was not called as a witness by the petitioner in the enquiry.

10. PW-3 is Shri Jagat Ram Driver of the bus who has supported the petitioner stating that the petitioner was issuing tickets to the passengers when the bus was checked. The petitioner has not collected the bus fare from the passengers who were held to be traveling without ticket by the checking staff. The checking staff forcibly took the ticket book from the conductor and the conductor was telling that he is issuing the tickets to the passengers. The petitioner has not refused to perform his duties. No remarks were recorded by the Inspector on the Log Book and Way Bill on that day. In cross-examination, he has stated that he has retired from service in 1992. He does not remember the name of the driver and Conductor who came in the bus from Jullundar to Hamirpur. The bus was of 52 seats and only 22 to 25 passengers were in the bus. The vehicle reached at Sujanpur at 4.10 PM and the bus started from Hamirpur and it reached Sujanpur at 5.15 PM. The bus was stopped when it covered a distance of 2 1/4 kms for checking. He has denied that the conductor has not issued tickets to the passengers after taking the fare. No remarks regarding misbehavior was recorded by the checking staff on the Way Bill and the Log Book.

11. The respondents have also produced 2 RWs. RW-1 Shri Fithoo Ram who has checked the bus of the petitioner on 21-5-1990 along with Shri Kishori Lal and Chet Ram Inspectors. The bus was first checked by Shri Kishori Lal when it was coming from Jullundar to Sandhol at Tikkar which is about 4 kms from Bhota. The Inspector found 32 passengers in the bus and out of which 4 passengers were without ticket. From the enquiry the passengers told that they have paid the fare, but the tickets were not issued by the conductor. Fare was 75 paise per passenger. The Conductor had not issued the ticket to the passengers. On same day, this bus was checked at a place Plohi about 5 kms away from Sujanpur. There were 43 passengers and out of which 40 passengers were without ticket. On asking they told that the conductor has collected Rs. 65.50 from these passengers, but the conductor has not issued the ticket. The conductor has embezzled Rs. 65.50 paid on that day. The witness asked the petitioner to go to Shri Kishori Lal who was sitting out side and to show the tickets to him, but the petitioner snatched the Way Bill from Shri Kishori Lal Inspector. Thereafter Shri Kishori Lal Inspector asked the Driver Shri Jagat Ram to bring the Log Book of the vehicle and a note was given at Page 41 of the Log Book regarding the passengers without ticket and also about the misbehaviour. The petitioner was asked to sign the remarks, but he refused. Even the petitioner refused to go with the bus as conductor and thereafter on telephone one Shri Dharam Singh was called who was deputed alongwith the bus. Due to the misbehavior of the petitioner, the bus was delayed for 45 minutes. Shri Kishori Lal has already expired. The report is Ex. RW-1/A.

12. In cross-examination, the witness has stated that he had already retired on 30-4-1998. The Divisional Manager constitute the Flying Squad which consists of three Inspectors



and a Driver. They were deputed verbally by the Divisional manager on the Flying Squad. The Flying Squad is constituted through a written order and the vehicle alongwith the Driver deputed with Flying Squad is also deputed with written order who used to maintain the Log Book. He do not remember the name of the Driver who was in the Jeep on the day of the incidence. He appeared as witness before the Inquiry Officer. But the Driver and the Log Book of the jeep was not produced there. He has admitted that Didwin is 100 mtrs before Tikker. He do not know that 4 passengers boarded the bus at Didwin. They checked the bus at Tikker. He has admitted that the bus took one minute to travel 100 mtrs distance and Conductor cannot issue the tickets to the passengers in such a short spell of time. He do not know that what was being charged for 100 mtrs. at that time. They had not recorded their statements. Those persons were also not produced before the Inquiry Officer. They were not directed to record the statement of the passengers who were found without ticket. Nothing is to be recovered to travel for a distance of 100 mtrs. as per rules. He has denied that the bus was checked second time by them just 1 km away from Sujampur. He has admitted that there is a booking office at Sujampur where the tickets were issued to the passengers. The tickets are issued by the conductor. He do not know that 40 passengers who found ticketless boarded the bus just 1 km before the checking as this fact has not been mentioned in their report. No passenger was produced before the Inquiry Officer. The report was written by him and signed by Shri Kishori Lal and he recorded the contents at the instance of Shri Kishori Lal. The report was prepared after 15 days of the incidence and they checked many other buses and maintained rough diary and keep on recording the facts of each checking. They were issued official diary from the office to maintain such record, but at the time of checking they used to maintain personal diary which cannot be produced today in the Court. He has denied that the petitioner was not at fault and the passengers have just boarded the bus as the tickets were yet to be issued.

13. RW-2 is Shri Rajinder Singh, Regional Manager, Rampur. The witness has stated that he know the petitioner who was posted in Rampur Region prior to the posting of Janak Raj petitioner. Memo dated 7-7-1990 was issued by Regional manager and the Charge sheet was also issued by him, who is known to him and he identified the signature on Charge Sheet RW-2/A and RW-2/B. Show cause notice issued to the petitioner and after considering the reply, they issued the termination order Ex. RW-2/C which also bear his signatures. The past record of the petitioner was also not satisfactory as is mentioned in his history sheet Ex. RW-2/D. The petitioner was not found fit to be re-instated in the department. In cross-examination, he has stated that he do not know who was the appointing authority of the petitioner. However, as per rules, Head of Office/Assistant Manager/Traffic Manager/Regional Manager could appoint the Conductor. The Flying Squad was constituted by written orders issued by Head of Office, but he had not seen the record by which authority had issued the constitution of the Flying Squad. The statement of passengers were not recorded as the same was not required. The Raiding Party may record their statements. The passengers do not normally cooperate with the Raiding Party and statement can only be recorded where the passengers are cooperative. There is no reports that the passengers were not cooperative or they refused to give their name and address. He denied that the entire record was not perused before issuing termination order. He had not inspected Log Book pertaining to the vehicle in which Flying Squad has found the passengers without ticket because it was not required. He received the reply of show cause notice wherein the petitioner has stated that he was not afforded proper opportunity by the Inquiry Officer, but when he examined the record, proper opportunity was given to him. He do not remember whether petitioner was asked to explain his past conduct with regard to Ex. RW-2/D as he was not under him w.e.f. 17-12-1982 to 7-12-1994. Ex. RW-2/D was prepared from the service record of

the petitioner. He has denied that the petitioner has been falsely involved in the case due to his past record. He has denied that department had made up the mind to terminate the services of the petitioner. He has denied that the petitioner was not at fault and the passengers were at fault who had not obtained the tickets.

14. From the perusal of the entire oral as well as documentary evidence, there is no dispute regarding the appointment and termination of the petitioner. The only dispute involved is that whether the petitioner was given due opportunity during the enquiry. In order to prove the case, the respondent has examined one Fithoo Ram, Inspector who was the member of the Raiding Party and this witness has supported the entire case of the respondent. He has given all the details of the checking how the bus was checked and the passengers found without ticket. The petitioner on the other hand has denied all the allegations, but he has admitted that the persons were found without tickets as they boarded the bus from bus stand and when the bus was checked at a distance of 2½ kms, he was in process of issuing the ticket when his bus was checked. The petitioner has alleged that the Raiding Party was inimical to him as his bus was checked twice on 21-5-1990. He has denied his misbehavior with the Raiding Party. His version was further supported by Shri Lekh Raj PW-2, who was the passenger in the bus on 21-5-1990. This PW-2 has confused the matter when he stated that there were 40 to 50 passengers who boarded the bus at Sujampur when the bus was checked. He has stated that in the morning 4 passengers boarded the bus and they got down without taking ticket. He gone further stating that when the Inspector checked the bus, the passengers boarded the bus at Didwin itself. But his statement is contrary to the statement of PW-3 Shri Jagat Ram who was the Driver in the bus on the date of checking. According to this witness, when the bus was checked, the conductor was issuing the tickets, but he had not collected the fare from the passengers and this fact was disclosed to the Checking Staff. He has stated that the Checking Staff has taken tickets from the Conductor which fact is missing in the statement of PW-2 or even the statement of the petitioner himself.

15. In cross-examination the driver PW-3 Shri Jagat Ram has stated that there were only 20 to 25 passengers sitting in the bus when it reached at Sujampur, whereas PW-2 has stated that there were more than 40 to 50 passengers sitting in the bus when it started from Sujampur. The learned counsel appearing for the petitioner has strongly argued that the enquiry has not been properly conducted and no proper opportunity has been given to the petitioner to cross-examine the witnesses. His other argument is that the other Inspectors S/Shri Kishori Lal and Chet Ram who were with Shri Fithoo Ram RW-1, were not examined without any reason. But from the Court file, it appears that Shri Kishori Lal who was the other Inspector is stated to have already expired on 29-12-2004. The learned counsel also argued that there is nothing on record to suggest why passengers who were found without ticket were not examined or why their statements were not recorded by the Raiding Party. He has also stated that no orders on the basis of which Raiding Party has been constituted placed on record and if the entire enquiry report coupled with the statement of the witnesses recorded in the Court, the respondents have failed to prove that due opportunity was given to the petitioner to defend himself. The counsel also pointed out that even from the perusal of the enquiry report, nothing has been proved on the basis of which such a major penalty can be imposed on the official. The learned counsel for the petitioner also argued that earlier conduct as per Ex-iw-2/D cannot be taken into consideration unless a specific charge is framed or the petitioner is given due opportunity to accept or deny the same. He placed reliance on (2000) (3) SC-450 titled U.P. STATE ROAD TRANSPORT CORPN. AND OTHERS VS. MAHESH KUMAR AND OTHERS, but the facts of the case before this Court and the decision by the Hon'ble Supreme Court in that case are not applicable to the facts of this case.



are entirely different. Hence no benefits on the basis of this authority can be extended to the petitioner. He has also placed reliance on (2000) 3 Supreme Court 454 titled *JRANG BAHADUR SINGH AND OTHERS VS. STATE OF U.P.* The learned counsel has pointed out that non examination of material witness would create a doubt on the presentation of the case. But he is unable to point out which of the material witness was required to be examined. It is respondent to decide which of the witness is to be examined and which is to be left out. The petitioner should have called the witnesses in rebuttal or even in his defence and he should have taken the benefit at the time when he was examined.

16. The learned counsel of the respondent on the other hand has pointed out that immediately after the appointment of the petitioner he started involving misappropriating the government money. His bus was checked from 17-12-1982 to 1994 for about 43 times and after enquiry his increments were stopped as is mentioned on the document Ex. RW-2/D. The petitioner in his cross-examination simply stated that he do not remember that 43 similar cases were reported against him since, 1982, meaning thereby that there is no specific denial of the cases reported against him from 17-12-1982 till he was removed from service. The learned counsel for the respondent on the other hand has stated that there is no illegality in the termination of the services of the petitioner since it has been proved that the petitioner has not disputed non issuance of tickets to the passengers which is a misconduct and dishonesty. The termination of the services of the petitioners is proper. She has placed reliance on 2004 AIR 5530 titled *Regional Manager, Rajasthan State Road Transport Corporation Versus Sohan Lal, etc.* Relevant Paragraphs are under :

"Assuming for argument sake that the High Court by the impugned order proceeded on the basis that though the misconduct is proved the punishment was disproportionate and it is on that basis that the impugned order is made even then we are unable to agree with the order of the Appellate Bench of the High Court because it is not the normal jurisdiction of the superior courts to interfere with the quantum of sentence unless the said sentence is wholly disproportionate to the misconduct proved. No such finding has been recorded by the Appellate Bench in the impugned order. Since the misconduct proved is one of dishonesty, the quantum of loss is immaterial, it is the loss of confidence that matters. In such a situation if the Tribunal chooses to uphold the order of dismissal and refuse to interfere with such termination and the learned single Judge of the High Court agreed with the said order of the Tribunal, the Appellate Bench ought not to have interfered with the quantum of sentence. Having perused the facts of the case we are in agreement with the finding of the Tribunal as well as learned single Judge. Hence, we are of the considered opinion that the Appellate Bench fell in error in interfering with the orders of the courts below merely on the basis of offer made by the appellant before it."

17. The learned counsel for the respondent has also argued that administrative decision cannot be interfered unless the punishment is shockingly disproportionate and placed reliance on 2005 AIR SCW 95 titled *Damoh Panna Sagar Rural Regional Bank and another Versus Munoo Lal Jain*.

18. The learned counsel for the respondent has argued that it has been proved on record that the passengers were found without ticket in the bus which fact has not been denied by the petitioner except that the passengers boarded the bus immediately when the Kaidang Party stopped the bus for checking. There is nothing on record to prove that no due opportunity has been

given to the petitioner to defend himself as he has failed to show any illegality in the enquiry report. Hence, he cannot be given any benefit so far the enquiry report is concerned. Moreover, keeping in view his past conduct as the petitioner has lost the faith of the employer, hence his termination from service is not disproportionate. Accordingly, both these issues are decided against the petitioner.

#### RELIEF

19. In view of my findings of the aforesaid issues, I find merit in the present case and the reference is answered accordingly. Let a copy of this award be sent to the appropriate government for publication in the official gazette.

Announced in the Open Court today this 10th day of March, 2006.

Seal.

L. N. SHARMA,  
Presiding Judge,  
H.P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Shri L. N. Sharma, Presiding Judge, H.P.  
Industrial Tribunal-cum-Labour Court, Shimla

Reference No. 323 of 2003

Instituted on: 24-11-2003

Decided on: 17-3-2006

Shri Babu Ram s/o Sh. Murari Lal, Vill. Tipra, P.O. parwanoo,  
Distt. Solan

Petitioner.

#### Versus

1. The Managing Director M/s Auto Comps India Ltd.,  
Plot No. 1, Sector No. 1, Parwanoo, Distt. Solan

Respondents.

Reference under section 10 of the Industrial Disputes Act,  
1947.

For petitioner : Shri J.C. Bhardwaj, AR

For respondent : Ex parte

#### AWARD

The following reference has been received for adjudication from the appropriate government :

"Whether the action of the managing Director M/s Auto Comps India Limited, Plot No : 1, Sector-1, parwanoo, Distt. Solan, H.P. to suspend the services of Shri Babu Ram s/o Shri Murari Lal workman w.e.f. 27-10-1994 without conducting the domestic enquiry is proper and justified ? If not, what relief of service benefits and amount of compensation the above aggrieved workman is entitled to ?"

2. The claim has been filed wherein the petitioner has alleged that he was terminated from service from 27-10-1994. He was appointed as Welder in November, 1987. He had already completed the service of more than 200 days. The petitioner has been removed from service illegally on 27-10-1994. He has further alleged that the employees have formed the union and the petitioner being the active worker has been victimized and

removed from the service after his suspension. The petitioner was not allowed to attend his duties. The petitioner has further alleged that as per demand notice, he should not have been removed from service during the period of suspension. His juniors have been retained and he has been removed illegally. He prayed for the relief.

3. The respondent company has failed to appear despite service by way of affixation as per report on the summons. The petitioner has examined himself in *ex-parte* evidence and he supported the entire contents of the petition and stated that he has been terminated from service after 27-10-1994. The petitioner's removal was illegal, null and void as he had already completed more than 240 days continuous service. No notice or compensation as per law has been paid to him. He prayed for his re-instatement.

4. From the perusal of the claim coupled with the statement of the petitioner, there is no dispute about his appointment as Welder in the respondent factory. It has also been proved that he has been removed from service *w.e.f.* 27-10-1994. The petitioner has stated that he has been removed from service *w.e.f.* 27-10-1994, whereas the reference is that the petitioner has been suspended without conducting the domestic enquiry. This only suggests that the petitioner was the employee of the respondent and only dispute is whether he has been placed under suspension or removed from service *w.e.f.* 27-10-1994 is required to be proved by the respondent company in the case in hand. As the respondents have failed to controvert the stand taken by the petitioner, which only suggests that they have nothing to say in the matter except to admit the liability. Accordingly, the petition is allowed and the petitioner is ordered to be re-instated in service with 20% back wages and seniority. Let a copy of this award be sent to the appropriate government for publication in the official gazette.

Announced in the open Court today this 17th day of March, 2006.

Seal.

L.N. SHARMA,  
Presiding Judge,  
H.P. Industrial Tribunal-cum  
Labour Court, Shimla.

In the Court of Shri L. N. Sharma, Presiding Judge, H. P.  
Industrial Tribunal-cum-Labour Court, Shimla

Reference No. 199 of 2003  
Instituted on : 4-8-2003  
Decided on : 13-3-2006

1. Shri Prem Kumar son of Sb. Gorla Ram, s/o Village Marog, Post Office Shakrala, Tehsil and District Shimla.

2. Shri Om Parkash son of Shri Brahm Dutt, resident of Vill. Dhanain, P.O. Mashobra; Distt. Shimla. ... Petitioner.

Versus

1. The State of Himachal Pradesh through the Secretary (Forests) to the Government of Himachal Pradesh, Shimla.

2. The Principal Chief Conservator of Forests, Himachal Pradesh, Shimla

3. The Conservator of Forests (Wild Life), Shimla Circle, Shimla. H.P.

4. The Range Officer (Wild Life) Range Totu, Shimla, (H.P.)

5. Divisional Forest Officer (Wild Life), Khalini, Shimla, (H.P.) ... Respondents.

Reference under section 10 of the Industrial Disputes Act, 1947.

For petitioner : Manohar Lal Sharma, Advocate

For respondent : Respondent already *ex-parte*.

AWARD

The following reference has been received for adjudication from the appropriate government :

"Whether the termination of services of Shri Om Parkash s/o Shri Brahm Dutt and Shri Prem Kumar s/o Shri Gorla Ram, daily wages beldars by the conservator of Forests (Wild Life) Range, Khalini, Shimla-2 *w.e.f.* 11-2-2000 without complying with the Section 25-F and 25-N of the Industrial Disputes Act, 1947 is proper and justified? If not, what relief of service benefits and amount of compensation the aggrieved workmen are entitled to?"

2. The petitioners have filled the claim alleging that they were engaged on daily wages in the years 1994 and 1995 respectively. Their services were suddenly terminated by respondents orally on 11-2-2000. The petitioners also alleged that after their dis-engagement, they had gone before the Hon'ble Administrative Tribunal and as per order dated 8-9-2000, the Tribunal has directed the respondents to consider the representation of the petitioners and decide the same. As per directions, the petitioner have submitted their representations, but the same were rejected *vide* order dated 7-11-2000. Again the petitioners have gone before the Hon'ble Administrative Tribunal, but the application has been dismissed with the observation that the Tribunal has no jurisdiction and thereafter, the petitioners have file the application for reference. The petitioners further alleged that they have already completed 240 days in each calendar years and no notice was given to them at the time of termination. Their termination is against the provisions of Section 25-F and 25-N of the Industrial Disputes Act, 1947 (hereinafter referred to as the "Act"). They have further alleged that junior S/Shri Jeet Ram and Suraj Parkash have been retained and re-engaged by the respondent on the order of the Hon'ble Administrative Tribunal dated 3-7-2000. Other juniors also still working. They have further alleged that the order of Respondent No. 2 that if the project with which the petitioners were engaged has come to an end, the services of the petitioners can be terminated for want of work as per law laid down by various courts. The petitioners have alleged that the law mentioned in the reply is not applicable to the present case as the petitioners have completed 240 days in each calendar years. The oral termination of the petitioners are also in violation of the Fundamental Right and principle of natural justice. They prayed for the relief.

3. No reply to the claim has been filed by the respondent state and the respondents were proceeded against *ex parte* on 1-12-2003.

4. To decide the controversy involved in this reference, the following issues has been framed:

(1) Whether the services of the petitioners have been illegally terminated by the respondent *w.e.f.* 11-2-2000 without complying with the provisions of Section 25-F and

## 25-N of the Industrial Disputes Act ?

5. In order to prove the case, petitioner has produced 2 witnesses. PW-1 is Shri Om Parkash who has stated that he was appointed as beldar in July, 1995 and he worked upto 11-2-2000. The petitioner has completed 240 days in each calendar years. His services were orally terminated by the respondent on 11-2-2000 and no notice or retrenchment compensation has been paid. Junior persons namely, Ishwar, Duni Chand, Jai Kishan Man Bahadur and Surya Parkash are still working with the respondent, which shows that the work and funds are still available with the respondent. He is un-employed and a poor person and prayed for the relief.

6. PW-2 is Shri Prem Kumar who was also engaged as beldar from January, 1994 and he was also dis-engaged from 11-2-2000. This witness has also stated that he completed 240 days in each calendar years and many juniors namely Ishwar, Duni Chand, Jai Kishan, Man Bahadur and Surya Parkash are still working. He has also stated that he is a poor person and is un-employed. He prayed for re-instatement along with compensation.

7. From the perusal of the oral as well as documentary evidence, there is no dispute that the petitioners were employed by the respondent in the year, 1994 and 1995 respectively. It has also been proved that both the petitioners were dis-engaged on 11-2-2000. The petitioners after their dis-engagement has approached the Hon'ble Administrative Tribunal and as per order dated 8-9-2000, respondent No. 2 was directed to treat the original application as representation of the petitioners and decide the same within 2 months. The representation was submitted by the petitioners which was decided by Respondent No. 2 vide order dated 7-11-2000 and in Para-3, the respondent No. 2 has held that as per law laid down by Hon'ble Supreme Court that if the project in which the respondents were engaged has come to an end that they have necessarily been terminated for want of work. Again the petitioners against this order approached the Hon'ble Administrative Tribunal, but their petition was dismissed as the Tribunal has no jurisdiction to entertain the case where the Industrial Disputes Act is involved. The Learned Counsel for the petitioners after closing his evidence has tendered the copy of reply filed by the respondent before the Hon'ble Administrative Tribunal in evidence of petitioners which is placed on Court file as Ex. PX. The Learned Counsel during the arguments has pointed out that in the reply the respondent has admitted that the petitioners have worked for more than 240 days in each calendar years as per mandays chart appended with the reply as Annexure R-1.

8. It is strange that none on behalf of the respondent appeared despite service and their plea that the services of the petitioner has been terminated because the project work was over has not been proved before the Court. No reason for non appearance has been given despite due service which only proves that the department has no respect to the Court direction and even the service of summons has been ignored for the reasons best known to the authorities concerned. There is nothing to prove whether any notice of termination was given to the petitioners before their services were terminated and in the absence of the notice, the termination is held to be illegal. The learned counsel for the petitioner has placed reliance on (2003) 4 Supreme Court Cases 619 titled PRAMOD JHA AND OTHERS VS. STATE OF BIHAR AND OTHERS. Relevant Para 11 is reproduced :—

"Compliance with clauses (a) and (b) of Section 25-F strictly as per the requirement of the provisions is mandatory. However, compliance with clause (c) is directory, as held in Gurmail Singh V. State of Punjab and a substantial compliance would be enough."

9. It has been proved on record that no notice under Section 25-F of the Industrial Disputes Act, 1947 has been issued which is mandatory. In the absence of the notice, the termination of the petitioner become illegal and is liable to be set-aside.

10. In view of the above discussion and law, it has been proved that the service of the petitioners has been illegally terminated without complying with the mandatory provisions of Section 25-F of the 'Act'. Hence, the petitioners are entitled for their re-instatement from 11-2-2000 with 25% back wages and seniority. Accordingly, the point is answered in favour of the petitioners.

11. Before parting with the judgement, it has been noticed that the government officials are not taking any interest in defending the government cases in the Courts. I had already made several references to the Secretaries concerned to the Government of Himachal Pradesh for issuing necessary directions to the subordinate so that the government cases should be contested properly, but despite the directions, nothing has been improved. Even in the case in hand, the department has ignored the summons and the case has not been defended/represented properly, which needs thorough enquiry and the responsibility should be fixed on the official who has committed fault for not attending the Court. The back wages should also be recovered from the personal pay of such official so that in future, the officer of the department should spare some valuable time to defend the interest of the departments before the Courts.

## RELIEF

12. In view of my above said findings, the reference is answered in favour of the petitioners. Let a copy of this award be sent to the appropriate government for publication in the official gazette.

Announced in the open Court today this 13th day of March, 2006.

Seal.

L.N. SHARMA,  
Presiding Judge

H.P. Industrial Tribunal-cum-Labour Court,  
Shimla.

In the Court of Shri L. N. Sharma, Presiding Judge, H.P.  
Industrial Tribunal-cum-Labour Court, Shimla

Reference No. 271 of 2003

Instituted on: 10-9-2003

Decided on: 16-3-2006

Lachman Dass S/o Shri Hari Ram, VPO Doh, Tehsil Bhoranj,  
Distt. Hamirpur

Petitioner.

Versus

1. M/s Indian Oil Corporation Ltd., Indane Bottling Plant,  
Plot No. 1, Industrial Area Baddi, District Solan, (H.P.) Principal  
Employer.

2. M/s Himachal Security Services, through Sh. Inder  
Kumar Bali Contractor through Indian Oil Corporation Ltd., Baddi

Respondents.

Reference under section 10 of the Industrial Disputes Act,  
1947.

For petitioner : J.C. Bhardwaj, AR  
For respondent : Ex-parte.

The following reference has been received for adjudication from the appropriate government:

"क्या श्री लक्ष्मण दास पुत्र श्री हरी राम, सुरक्षाकर्मी को ठेकेदार हिमाचल सिक्कोरिटी सर्विसिज तथा मुख्य नियोजता इण्डियन आयल कारपोरेशन, बौटलिंग प्लांट, बद्दी द्वारा औद्योगिक दिवंगत अधिनियम, 1947 में दिये गए प्रावधानों की अनुपालना किए बिना दिनांक 20-11-02 को नौकरी से निकाला जाना उचित एवं न्यायसंगत है। यदि नहीं तो उक्त कामगार किन सेवा लाभों एवं राहत का पात्र है?"

2. The petitioner has filed the claim wherein he has alleged that he was engaged as Security Guard during August, 2001 after interview by Respondent No. 1. The petitioner was enrolled through Respondent No. 2 contractor of Respondent No. 1. The petitioner worked till 20-11-2002 when suddenly his service has been terminated. The petitioner was informed that his services were under Respondent No. 2, but there was no contractor when he has appointed by Respondent No. 1. The petitioner was assigned the duty of Security Guard at Indian Oil Corporation, Depot at Baddi (Gas Plant). The petitioner has already completed the service of more than 240 days in a calendar year, but he was removed without giving any notice under Section 25-F of the Industrial Disputes Act. No retrenchment compensation has been paid to him. The petitioner prayed for the relief.

3. Notices were issued for the services of the respondents. From the court file, it appears that both the respondents were appearing and they were represented by the advocates before the Court till 15-3-2005 and thereafter they suddenly disappeared. Even despite due opportunity no reply of the claim petition has been filed. The respondents were proceeded against *ex parte* vide order dated 15-3-2005.

4. The petitioner in order to prove his claim has examined himself on 10-5-2005. The petitioner has supported the entire contents of the petition and stated that he was appointed in August, 2001 and remained in service till 20-11-2002. The petitioner was under the direct control of Respondent No. 1 i.e. Indian Oil Corporation, Baddi and at the time of his termination, no notice was served or compensation was paid to him. The petitioner has stated that he worked for more than 240 days during the year and he be re-instated.

5. From the perusal of the entire oral statement of the petitioner, it has been proved that he was appointed in August, 2001 and he continued in service till 20-11-2002 which proves that he has completed more than 240 days service. Further the case of the petitioner has been proved that as both the respondents have failed to file the reply despite due opportunity, which only proves that they have nothing to say except that the petitioner remained in service. From the bare reading of Section 25-F of the Industrial Disputes Act, there is a provision laid down that how the employee can be terminated/retrenched from service.

6. Any employee who has completed 240 days in service cannot be removed unless the provisions of Section 25-F (a) and (b) are not followed. Both the provisions are mandatory as per law laid down by their lordships reported in (2003) 4 Supreme Court Cases 619 titled PRAMOD JHA AND OTHERS Vs. STATE OF BIHAR AND OTHERS. Relevant Para 11 is reproduced:—

"Compliance with clauses (a) and (b) of Section 25-F strictly as per the requirement of the provisions is mandatory. However, compliance with clause (c) is directory, as held in

Gurmair Singh V. State of Punjab and a substantial compliance would be enough"

7. In view of the above discussion and law laid down by Hon'ble Supreme Court as the petitioner has proved that he worked continuously for more than 240 days and his services were terminated without compliance of the mandatory provisions of Section 25-F of the Industrial Disputes Act. Accordingly, the present petition is allowed and the petitioner is ordered to be reinstated in Service from 20-11-2002 with all back seniority. Further the petitioner is entitled to claim back wages @ 25% from 20-11-2002 till he is re-instated. Accordingly, the reference is answered in favour of the petitioner. Let a copy of this award be sent to appropriate government for publication in the official gazette.

Announced in the open Court today this 16th day of March, 2006.

Seal.

L.N. SHARMA,  
Presiding Judge,  
H.P. Industrial Tribunal-cum Labour Court, Shimla.

In the Court of Shri L. N. Sharma, Presiding Judge, H.P.  
Industrial Tribunal-cum-Labour Court, Shimla

Reference No. 172/2003  
Instituted on: 30-5-2003  
Decided on: 23-3-2006

H.P. State Forest Corporation Workers Union (Regd. AITUC)  
H.Q. Saproon, Solan through J.C. Bhardwaj, President H.P. AITUC.  
H.Q. Saproon, Solan. .. Petitioner.

Versus

The Managing Director, H.P. State Forest Corporation Ltd.,  
Shimla. .. Respondents.

Reference under section 10 of the industrial Disputes Act, 1947.

For petitioner : J. C. Bhardwaj, AR

For respondent : Sh. Trilok Chathan, Advocate

AWARD

Today the case was fixed for presence of parties, but only Sh. Ashok Chauhan, Divisional Manager, Forest Corporation is present. The Officer has stated that all the daily paid Chowkidar employed by H.P. Forest Corporation in the field have been designated as Fieldsmen. The Chowkidar in the office will be taken on the basis of their seniority and if any junior is posted, he will be changed in view of the seniority list of Chowkidar. It has also been pointed out that seniority list of Chowkidar are being prepared as per the direction of Hon'ble High Court passed in CWP No. 977/2002 dated 9-7-2002.

In view of the statement of respondent, the grievance of the workers stand settled and no dispute U/S 9-A of Industrial Disputes Act, 1947 remains to be decided. The Hon'ble High Court in its order has very clearly decided that all the persons who were engaged after 23-4-1990, have been ordered to work as Fieldsmen and the petitioner will not make any grievances henceforth before any forum on this account meaning thereby that the controversy involved in the reference has already been settled by the Hon'ble High Court.

In view of above, as the dispute has already been settled, no relief can be given to the petitioners. Accordingly, the reference is dismissed. Let a copy of this award be sent to the appropriate Government for publication in the official gazette. It be consigned.

Announced in the Open Court today this 23rd day of March, 2006.

Seal.

L.N. SHARMA,  
Presiding Judge,  
H.P. Industrial Tribunal-cum-Labour Court,  
Shimla.

In the Court of Shri L. N. Sharma, Presiding Judge, H.P.  
Industrial Tribunal-cum-Labour Court, Shimla

Reference No. 266 of 2003

Instituted on : 10-9-2003

Decided on : 31-3-2006

M/s Cheyang Lamo d/o Late Shri Lachman Singh, Village  
and P.O. Giaboung, Tehsil Pooh, District Kinnaur, H.P.

... Petitioner.

Versus

The Divisional Forest Officer, Nichar, District Kinnaur, H.P.  
... Respondents.

Reference under section 10 of the Industrial Disputes Act,  
1947.

For petitioner : Shri Hem Raj, AR

For respondent : Shri Sandeep Attri, ADA.

#### AWARD

The following reference has been received for adjudication from the appropriate government.

"Whether the termination of services of Smt. Cheyang Lamo d/o Late Shri Lachman Singh, daily wages beldar by the Divisional Forest Officer, Forest Division, Nichar, Distt. Kinnaur, H.P. w.e.f. 1-9-2000 without complying the provisions of the Industrial Disputes Act, 1947 is proper and justified? If not, what relief of service benefits and amount of compensation Smt. Cheyang Lamo is entitled to?"

2. The petitioner has filed the claim wherein she has alleged that she was engaged as beldar in March, 1993 and she worked continuously till August, 2000. The petitioner has worked continuously for more than 180 days when suddenly her services were terminated. The termination of the petitioner is amounting to retrenchment. No notice or one month salary has been paid to the petitioner before her removal. The petitioner has alleged that the termination is illegal, void and is against the provision of law and he prayed for the relief.

3. The respondent has filed the reply wherein it has been admitted that the petitioner was engaged in May, 1993 and she worked till August, 2000 with several breaks. The petitioner has completed 180 days per year. The petitioner was dis-engaged w.e.f. 1-9-2000 due to non availability of budget and funds. The petitioner will be re-engaged as and when the funds will be made available. The respondent has denied the remaining contents of the petition and prayed for the dismissal of the same.

4. No rejoinder has been filed. On the basis of the pleadings of the parties, the following issues were framed by this Court on 11-5-2004:

1. Whether the termination of services of petitioner by the respondent w.e.f. 1-9-2000 without complying the provision of Industrial Disputes act, 1947 is proper and justified? OPP.

2. If Issue No. 1 is not proved, to what relief and service benefits, the petitioner is entitled to? OPP.

3. Relief

5. Both the parties have lead their evidence. I have heard the learned counsel for the parties and also gone through the record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under :

#### FINDINGS

Issue No. 1 : No  
Issue No. 2 : Partly yes  
Relief : Reference answered vide operative part of the award.

#### REASONS FOR FINDINGS

Issue No. 1 & 2

6. Both these issues are interlinked and are taken up together for discussion and decision. In order to prove the case, petitioner has appeared in the witness box and supported the entire contents of the petition and alleged that she has completed 240 days of service in each calendar year. She has stated that she is un-employed and prayed for re-instatement with seniority and other benefits. She has also alleged that as per scheme the daily waged worker are to be regularized after 8 years of service. Her co-workers have already been regularized.

7. The respondent also examined one Naresh Kumar Forest Guard who has placed a letter Ex-RW-1/A on the Court file stating that the petitioner has refused to accept the letter and she has not reported for duty. In cross-examination, he has stated that he is working as Forest Guard since 1998 and DFO is the controlling authority. He has admitted that as per letter Ex. RW-1/B he was authorised to appear in the Court by the Range Officer and not by the DFO. He is not the custodian of the record of the petitioner which is being maintained by Divisional Office. He has also sent the message to the petitioner through Shri Bahadur Singh Chowkidar asking the petitioner to report for duty, but she refused to receive the letter. He has admitted that there is no report of the Chowkidar on the letter.

8. From the perusal of the oral as well as documentary evidence, there is no dispute about the engagement of the petitioner by the respondent since May, 1993 and not from March, 1993 as alleged by the petitioner. It has also been proved that the petitioner was disengaged on 1-9-2000 due to non availability of the budget. It was made clear that she will be re-engaged as and when the budget will be made available. The petitioner placed

## AWARD

one letter Ex-PA on the Court file whereby the respondent has asked the petitioner to report for duty at Kalpa Forest Range where the construction work is going on, but as per record, the petitioner has failed to report for duty. Further, there is nothing on record to prove the termination of the petitioner. Even there is also no cross-examination that the petitioner has been terminated. Even the respondent has not disproved the contents of letter EX. RW-1/A. Only cross-examination is that there is no endorsement of the Chowkidar that the petitioner refused the letter, but such cross-examination is of no help to the petitioner. The petitioner has stated that she had worked for more than 240 days in a calendar year which statement is contrary to the mandays chart placed on the Court file. As there is no evidence that she has been terminated from service w.e.f. 1-9-2000 except that she was disengaged because there was no funds available. The petitioner was again requested to resume the duties as per Ex. PA, but she refused to accept the same. There is nothing on record to prove that she has been terminated without complying with the provisions of Industrial Disputes Act. However, it has been proved that she was disengaged because of non availability of the funds. The respondent is prepared to re-engage her as is proved from letter Ex PA. However, from the record, it has been proved that the petitioner is working under respondent since, 1995. Hence she is permitted to continue and be provided the work if possible near to her home. Her seniority be also maintained as per existing policy of the Government. Accordingly, the petition is partly allowed.

## RELIEF

9. In view of my findings on aforesaid issues, the reference is partly answered in favour of the petitioner. The respondent is directed to re-engage the petitioner if possible near to her home. Her seniority be also maintained as per existing policy of the government. Let a copy of this award be sent to the appropriate government for publication in the official gazette.

Announced in the Open Court today this 31st day of March, 2006

Seal

L. N. SHARMA,  
Presiding Judge,  
H.P. Industrial Tribunal-cum-Labour Court,  
Shimla.

In the Court of Shri L.N. Sharma, Presiding Judge, H. P.  
Industrial Tribunal-cum-Labour Court, Shimla

Reference No. 267 of 2003

Instituted on: 10-9-2003

Decided on: 31-3-2006

Sh. Youtan Nargu s/o Shri Uttam Jor, Village and P. O.  
Giaboung, Tehsil Pooh, District Kinnaur, (H. P.) ... Petitioner.

## Versus

The Divisional Forest Officer, Nichhar,  
District Kinnaur, (H. P.) ... Respondents.

Reference under section 10 of the Industrial Disputes Act, 1947.

For petitioner : Shri Hem Raj, AR.

For respondent : Shri Sandeep Attri, ADA.

The following reference has been received for adjudication from the appropriate government :

"Whether the termination of services of Sh. Youtan Nargu s/o Shri Uttam Jor, daily wages beldar by the Divisional Forest Officer, Forest Division Nichar, Distt. Kinnaur (H. P.) w.e.f. 1-9-2000 without complying the provisions of the Industrial Disputes Act, 1947 is proper and justified? If not, what relief of service benefits and amount of compensation Sh. Youtan Nargu is entitled to?"

2. The petitioner has filed the claim wherein he has alleged that he was engaged as beldar in March 1993 and he worked continuously till August 2000. The petitioner has worked continuously for more than 180 days when suddenly his services were terminated. The termination of the petitioner is amounting to retrenchment. No notice or one month salary has been paid to the petitioner before his removal. The petitioner has alleged that the termination is illegal, void and is against the provision of law and he prayed for the relief.

3. The respondent has filed the reply wherein it has been admitted that the petitioner was engaged in May 1995 and he worked till August 2000 with several breaks. The petitioner has completed 180 days per year. The petitioner was disengaged w.e.f. 1-9-2000 due to non-availability of budget and funds. The petitioner will be re-engaged as and when the funds will be made available. The respondent has denied the remaining contents of the petition and prayed for the dismissal of the same.

4. No rejoinder has been filed. On the basis of the pleadings of the parties, the following issues were framed by this Court on 11-5-2004:

- (1) Whether the termination of services of petitioner by the respondent w.e.f. 1-9-2000 without complying the provision of Industrial Disputes Act, 1947 is proper and justified? OPP.
- (2) If Issue No. 1 is not proved, to what relief and service benefits, the petitioner is entitled to? OPP.
- (3) Relief

5. Both the parties have lead their evidence. I have heard the learned counsel for the parties and also gone through the record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under :

## FINDINGS

- |             |   |                                                      |
|-------------|---|------------------------------------------------------|
| Issue No. 1 | : | No                                                   |
| Issue No. 2 | : | Partly yes                                           |
| Relief      | : | Reference answered vide operative part of the award. |

6. Both these issues are inter-linked and are taken up together for discussion and decision. In order to prove the case, petitioner has appeared in the witness box and supported the entire contents of the petition and alleged that he has completed 240 days of service in each calendar year. He has stated that he is un-employed and prayed for re-instatement with seniority and other benefits. He has also alleged that as per scheme, the daily waged worker are to be regularized after 8 years of service. His co-workers have already been regularized.

7. The respondent also examined one Naresh Kumar, Forest Guard who has placed on letter Ex. RW-1/A on the Court

file stating that the petitioner has refused to accept the letter and he has not reported for duty. In cross-examination, he has stated that he is working as Forest Guard since 1998 and DFO is the controlling authority. He has admitted that as per letter Ex. RW-1/B he was authorised to appear in the Court by the Range Officer and not by the DFO. He is not the custodian of the record of the petitioner which is being maintained by Divisional Office. He has also sent the message to the petitioner through Shri Bahadur Singh, Chowkidar asking the petitioner to report for duty, but he refused to receive the letter. He has admitted that there is no report of the Chowkidar on the letter.

8. From the perusal of the oral as well as documentary evidence, there is no dispute about the engagement of the petitioner by the respondent since May 1995 and not from March 1993 as alleged by the petitioner. It has also been proved that the petitioner was disengaged on 1-9-2000 due to non-availability of the budget. It was made clear that he will be re-engaged as and when the budget will be made available. The petitioner placed one letter Ex. PA on the Court file whereby the respondent has asked the petitioner to report for duty at Kalpa Forest Range where the construction work is going on, but as per record, the petitioner has failed to report for duty. Further, there is nothing on record to prove the termination of the petitioner. Even there is also no cross-examination that the petitioner has been terminated. Even the respondent has not disproved the contents of letter Ex. RW-1/A. Only cross-examination is that there is no endorsement of the Chowkidar that the petitioner refused the letter, but such cross-examination is of no help to the petitioner. The petitioner has stated that he had worked for more than 240 days in a calendar year which statement is contrary to the mandays chart placed on the Court file. As there is no evidence that he has been terminated from service *w.e.f.* 1-9-2000 except that he was disengaged because there was no funds available. The petitioner was again requested to resume the duties as per letter Ex. PA, but he refused to accept the same. There is nothing on record to prove that he has been terminated without complying with the provisions of Industrial Disputes Act. However, it has been proved that he was disengaged because of non-availability of the funds. The respondent is prepared to re-engage him as is proved from letter Ex. P.A. However, from the record, it has been proved that the petitioner is working under respondent since, 1995. Hence he is permitted to continue and be provided the work if possible near to his home. His seniority be also maintained as per existing policy of the Government. Accordingly, the issues are decide.

#### RELIEF

9. In view of my findings on aforesaid issues, the reference is partly answered in favour of the petitioner. The respondent is directed to re-engage the petitioner, if possible near to his home. His seniority be also maintained as per existing policy of the Government. Let a copy of this award be sent to the appropriate Government for publication in the official gazette.

Announced in the Open Court today this 31st day of March, 2006.

Seal.

L. N. SHARMA,  
Presiding Judge,  
H. P. Industrial Tribunal-cum-Labour Court,  
Shimla.

In the Court of Presiding Judge, H. P. Industrial  
Tribunal-cum-Labour Court, Shimla

Reference No. 97/2003.

Shri Anil and Sunil Chaudhary

Versus

M.D., M/s Dharam Paul, Satya Pal. Ltd.  
Barouliwala Distt. Solan H.P.

21-3-2006

Present : None for the petitioner.

Sh. Rahul Mahajan, Adv. Ld. Cl. for respondent.

Today the case is fixed for PWs, but neither the AP nor the petitioner is present. From the perusal of the Court file, it appears that issues were framed on 24-7-2001 and thereafter the case was listed for PWs on 9-10-2001, 28-11-2001, 15-3-2002, 28-5-2002, 12-8-2002, 14-11-2002, 27-3-2003, 30-6-2003, 11-9-2003, 4-11-2003, 6-1-2004, 26-4-2004, 28-7-2004, 27-9-2004, 12-10-2004, 10-11-2004, 2-7-2005, 5-5-2005, 22-7-2005, 4-10-2005, 19-12-2005 & 21-3-2006. But unfortunately the evidence has not been produced by the petitioners. The onus to prove Issue No. 1 was on petitioner, but as no evidence has been produced, this issue is decided against the petitioner. In view of finding on Issue No. 1, the reference is answered against the petitioner. Let a copy of this award be sent to the appropriate Government for publication in the official gazette. It be consigned.

Announced.

Seal

Sd/-  
Presiding Judge,  
H. P. Labour Court, Shimla.

In the Court of Presiding Judge, H. P. Industrial  
Tribunal-cum-Court, Shimla

Shri Narata Ram

Versus

Executive Engineer, H.P.S.E.B. Parwanoo, District Solan  
(H.P.).

Dated 21-3-2006

Present :—None for the petitioner.

Ms.. Shiipa Socr, Advocate for the respondent.

The case fixed for the service of the petitioner. From the perusal of the record registered notice was sent for the service of the petitioner on 8-12-2005 as per Office Report. The registered letter has not been received back undelivered and it is presumed that the notice has been received by the petitioner who has failed to appear despite service. No claim on behalf of the petitioner filed which only proves that he has nothing to say in the matter. Accordingly the present reference is answered against the petitioner. Let a copy of this order be sent to the appropriate Government for publication in the official gazette.

Announced.

Seal.

Sd/-  
Presiding Judge,  
H.P. Industrial Tribunal-cum-Labour Court,  
Shimla.



In the Court of Shri L. N. Sharma, Presiding Judge,  
H. P. Industrial Tribunal-cum-Labour Court, Shimla

5. On the basis of the pleadings of the parties, the following issues were framed on 12-5-2004:

Reference No. : 102 of 2002  
Instituted on : 23-4-2002  
Decided on : 10-3-2006

Shri Sanjeev Kumar s/o Shri Som Dutt, r/o Village & P.O.  
Kalawala Bhand, Tehsil Nahani, District Sirmour, (H.P.)

... Petitioner.

Versus

1. Director (Bee Keeping), H.P. Dolphin Lodge, Chhota Shimla, (H.P.)

2. Bee Keeping Development Officer, Dolphin Lodge, Chhota Shimla, Shimla-2.

3. Incharge, Bee Keeping Centre, Godna, P.O. Deha, District, Shimla.

... Respondents.

Reference under section 10 of the Industrial Disputes Act, 1947.

For petitioner: Shri M. S. Kanwar, Advocate.  
For respondents: Shri Sandeep Attri, Ld. ADA.

#### AWARD

The following reference has been received for adjudication from the appropriate Government:

"Whether the termination of the services of Sh. Sanjeev Kumar s/o Shri Som Dutt by the Incharge, Bee Keeping Centre, Godna, P.O. Deha, District Shimla (H. P.) w.e.f. 20-7-1995, without any notice and compensation is proper and justified? If not, what salary, service benefits, compensation the above workman is entitled to."

2. The claim was filed by the petitioner alleging that he was engaged as beldar from 26-3-1994 and he continued till 25-7-1995. His services were orally terminated on 12-7-1995. The termination is in violation of section 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 as the petitioner has completed 240 days of service preceding 12 months which fact has already been admitted by the respondent before the Labour-cum-Conciliation Officer. He prayed for his re-engagement with full back wages.

3. The petition has been strongly contested by the respondent taking preliminary objection that the petitioner has left the job at his own and he has no legal right to file the claim. On merit, they have admitted that he was engaged from 26-3-1994 and on 26-7-1995. He was given short break only for 2 months from 26-7-1995 to 25-9-1995 due to non availability of funds. Thereafter, the petitioner never reported for duty. Hence the question of terminating the services of the petitioner does not arise. They have denied the remaining contents and alleged that as the services of the petitioner has not been terminated, hence, there is no violation of the provisions contained under Section 25-F of the Industrial Disputes Act. They have specifically stated that the petitioner never approached the respondent till 1-12-1999 when he filed the claim before the Labour Officer. They prayed that the petition be dismissed.

4. The petitioner has filed the rejoinder wherein the stand taken by the respondent has been controverted and reiterated the contents of the petition and prayed for the relief.

(1) Whether termination of services of Shri Sanjeev Kumar petitioner by the respondent w.e.f. 20-7-95 without any notice, compensation and violation of statutory provisions of sections 25-F, 25-G and 25-H is proper and justified? ... OPP.

(2) If issue No. 1 is not proved, to what service benefits, compensation, the petitioner is entitled to? ... OPP.

(3) Whether the petitioner left the job on his own accord and has no legal right to file the claim as alleged? ... OPR.

(4) Relief.

6. In order to prove the case, the parties have lead their evidence. I have heard the learned counsel of the parties and have also gone through the record. For the reasons to be recorded hereinafter, my findings on the aforesaid issues are as under:

#### FINDINGS

Issue No. 1 : No  
Issue No. 2 : No  
Issue No. 3 : Yes

Relief : Reference answered against the petitioner vide operative part of the award.

#### REASONS FOR FINDINGS

Issue No 1 & 2:

7. Both these issues are interlinked and are taken up together for discussion and decision. In order to prove the case, petitioner only examined himself and supported the entire contents of the petition. He has also stated that he submitted representation Ex. PA to Ex. PE, but no reply has been received and he was not called for duty by the respondents. He was called by the Labour Inspector where the conciliation was not affected. He worked for more than 240 days during 1994-95 as per certificate given to him Ex. PJ and Ex. PK. At the time of his dis-engagement, Respondent No. 2 has issued letter Ex. PL. No enquiry was conducted against him. The other persons were detained and re-engaged. He is un-employed and prayed for re-instatement.

8. In cross-examination, he has denied that he had not left the job voluntarily or the break was given for 2 months. He has denied that no junior was retained or fresh recruitment was made after 26-7-1995.

9. The respondents also examined Shri M.D. Bhardwaj who has admitted that the petitioner was engaged from 26-3-1994 to 25-7-1995 and a break of 2 months was given due to non-availability of budget. The petitioner thereafter never reported for duty. No representation has been received from him for re-engagement. In cross-examination he has admitted that the petitioner has completed 455 days in service. No notice to the petitioner regarding his dis-engagement has been issued. He has denied about the letter/representation addressed to the department were received. The witness also denied the representation were not intentionally considered. He has admitted that the petition was not called by them. The petitioner never visited their office for re-engagement after 2 months break. But only came after 1999 i.e. when the demand was raised with

the Labour Officer. One Suresh Pal who was working with the petitioner is still working. The work is ongoing in different center, but he has not brought the record.

10. From the perusal of the oral as well as documentary evidence, there is no dispute that the petitioner was engaged as beldar from 26-3-1994 and he worked till 25-7-1995. The petitioner has miserably failed to prove that he made certain representations to the department as per Ex. PA to Ex. PE. On the other hand, it has been proved that due to non-availability of the funds, it has been decided by the department that all the daily wage workers should be given 2 months break as per letter Ex. PL. There is nothing on record to prove that the petitioner thereafter ever approached the respondents. Section 25-F of the Industrial Disputes provides that :

"25-F. *Conditions precedent to retrenchment of workmen.*— No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until.—

(a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice;

(b) the workman has been paid, at the time of retrenchment compensation which shall be equivalent of fifteen days' average pay (for every completed year of continuous service) or any part thereof in excess of six months; and notice in the prescribed manner is served on the appropriate Government (or such authority as may be specified by the appropriate Government by notification in the Official Gazette."

11. From the bare reading of Section 25-F of the 'Act', it is clear that whenever any employee is to be retrenched, he should be given due notice of one month or the wages in lieu of notice should be paid. Further the workman is also entitled for retrenchment compensation which should be equivalent to 15 days pay. But in the case in hand, the petitioner could not prove his retrenchment or termination. Hence, the provisions of Section 25-F of the 'Act' are not attracted in the case in hand. There is nothing on record to prove that the petitioner was ever retrenched or his services were terminated w.e.f. 20-7-1995. The respondent on the other hand has stated that 2 months break was given to all the daily paid workers due to non-availability of funds as per letter Ex. PL. The respondent has also stated that after 2 months break, the petitioner failed to resume his duties. The petitioner no doubt tried to prove that he had sent many letters to the respondent, but not even a single letter has been proved legally delivered to the respondent. If a document is exhibited when tendered in evidence cannot be stated to be legally proved. The petitioner cannot claim any benefit from these documents. It has been proved that he himself failed to resume the duty after 2 months' break. Hence, Issues No. 1 and 2 are decided against the petitioner.

Issue No. 3.

12. Onus to prove this issue was on the respondent and it has been proved that the petitioner has failed to resume the duty after the break of two months as the services of the petitioner has not been terminated or retrenched by the respondent. Hence, the petitioner is not entitled for any relief. Accordingly, issue is decided in favour of the respondent.

## RELIEF

13. In view of my findings on the aforesaid issues, the reference is answered against the petitioner. Let a copy of this award be sent to the appropriate Government for publication in the official gazette.

Announced in the Open Court today this 10th day of March, 2006.

Seal.

L. N. SHARMA,  
Presiding Judge,  
H. P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Presiding Judge, H. P. Industrial  
Tribunal-cum-Labour Court, Shimla

Ref. No. 83/2005

Shri Kashmir Singh, and others

Versus

M/s Embros wire strips Ltd., Parwanoo, Distt. Solan  
(H. P.)

22-3-2006.

Present : None.

Registered A.D./Summon issued for the service of petitioner at the given address received back with remarks "Refused". Similarly the Summon issued for the service of respondent received back with the report that "Left without Address."

As the petitioners have refused to accept the summon which suggests that they have nothing to say in the matter. Accordingly, the reference is replied against the petitioners. Let a copy of this order be sent to the appropriate Government for publication in the Official Gazette. It be consigned.

Announced.

Seal.

Presiding Judge,  
H.P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Shri L. N. Sharma, Presiding Judge,  
H. P. Industrial Tribunal-cum-Labour Court, Shimla

Reference No. : 192 of 2002

Instituted on : 21-6-2002

Decided on : 6-3-2006

Shri Jagdish Chand (Legal Heir of Late Sh. Khazana Ram  
work charge Beldar died in harness) Village Satariari, P. O.  
Kandhar (Mangal), Tehsil Arki, District Solan (H.P.)

Petitioner.

Versus

The Executive Engineer, HPPWD Division, Arki, District  
Solan, (H. P.) Respondents.

Reference under section 10 of the Industrial Disputes Act, 1947.

For petitioner: Shri J. C. Bhardwaj, AR

For respondent: Shri Sandeep Attri, Ld. ADA.

### AWARD

The following reference has been received for adjudication from the appropriate Government:

"Whether not to offer job to son of Sh. Khajana Ram daily wages workman who died in harness by the employer i.e. the Executive Engineer, HPPWD Division Arki, Distt. Solan (H.P.) as per the policy of State Government, circulated vide Department of Personnel (A-II) Office Memorandum No. Per (AP-II) P (4)-4/89, dated 18-1-1990 is justified? If not, to what relief the legal heir of deceased workman is entitled to?"

2. The petitioner has filed the claim alleging that his Father Shri Khazana Ram was employed by the respondent who died in the accident as the debris fell on him while working and was buried at the spot on 3-10-1998. Legal heirs were brought on record and they are claiming that they be given the employment on compassionate ground in place of their Father.

3. No reply of the petition has been filed and the respondent state has been proceeded *ex-parte* on 28-4-2003. Thereafter an application for setting aside *ex-parte* order has been moved on 28-6-2004 and as per order dated 4-8-2004, the application was dismissed, but the respondent state was given liberty to join the proceedings.

4. The following point arise for determination in this reference:

(1) Whether the petitioners are entitled to get the job in place of their Father as per the policy of the Government?

5. In Order to prove the point, the petitioner Shri Jagdish Chand appeared in the witness box and also produced one Shri Daulat Ram. The petitioner has proved that his Father was serving in HPPWD who died in the accident on 4-10-1998. He has also placed on Court file the copy of FIR and other documents including the legal heir certificates which are Ex. PW-1/B to Ex. PW-1/K. The witness applied for the service on compassionate ground, but the same has not been decided by the respondent State. Demand notice was served, which is Ex. PW-1/L, but no action has been taken.

6. PW-2 is Shri Daulat Ram who is also the real brother of the petitioner. He has supported the statement of PW-1.

7. The respondent State has also produced on Shri B.S. Mehta, SDO who has stated that the case of the petitioner was sent to the Government, but the same was rejected. In cross-examination, he has admitted that they have not given any job on compassionate ground, but admitted that the deceased died in the accident while working. He has also admitted that as per policy, job is to be provided on compassionate ground and the policy is still in existence.

8. From the perusal of the oral as well as documentary evidence, there is no dispute about the death of Sh. Khazana while working during the employment on 4-10-1998. There is also no dispute about the legal heirs. It has also been proved that Jagdish Chand has been permitted to take the job on compassionate ground by the other legal heirs as per affidavit already placed on record.

9. The employment on compassionate ground can only be considered by the Government and not by this Court. As the petitioner belongs to a poor family and from a backward area, his case should be considered by the State sympathetically within a period of 3 months from today. However, no relief can be given by this Court as the matter is required to be decided in view of the policy of the Government. Accordingly, the reference is answered. Let a copy of this award be sent to the appropriate Government for publication in the official gazette. Let a dasti copy of the order be given to the respondent for immediate compliance.

Announced in the Open Court today this 6th day of March, 2006.

Seal.

L. N. SHARMA,  
Presiding Judge,  
H.P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Presiding Judge, H. P. Industrial  
Tribunal-cum-Labour Court, Shimla

Ref. No. 64/2005

Shri Prem Raj

Versus

MD, H.P. Tourism Development Corporation, Shimla-I and  
another.

8-3-2006.

Present : None for the Petitioner

Shri M/S. Kanwar, Advocate vice cl. for  
therespondent.

Case called thrice but none has appeared on behalf of petitioner. Accordingly the petition is dismissed for non-appearance and the reference is answered in negative. Let a copy of this order be sent to the appropriate Government for publication in the official gazette.

Seal.

Sd/-  
Presiding Judge,  
H.P. Industrial Tribunal-Cum-  
Labour Court,  
Shimla.

In the Court of Presiding Judge, H. P. Industrial  
Tribunal-cum-Labour Court, Shimla

Ref. No. 101/2005

Shri Hukam Chand

Versus

Executive Engineer, H.P. P.W.D. Division Kumarsan, Distt.  
Shimla (H. P.)

14-3-2006.

Present : None for the Petitioner.

Shri Sandeep Attri Ld. ADA for the respondent.

Case called thrice, but none has appeared on behalf of the petitioner despite valid service. It is already 3.00 P.M. Accordingly the reference is answered against the petitioner for want of any material on record. Let a copy of this order be sent to the appropriate Government for publication in the official gazette.

Announced.

Sd/-  
Presiding Judge,  
H. P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Presiding Judge, H. P. Industrial  
Tribunal-cum-Labour Court, Shimla

Ref. No. 19/2002

Shri Harbans Lal and others

Versus

Executive Engineer, H.P.P.W.D. Division No. 3, Shimla (H.P.)

24-3-2006.

Present : Sh. O. P. Sharma, Adv. Ld. Cl. for petitioner

Sh. Sandeep Attri, A.D.A. for the respondent.

The Learned counsel for petitioners has state that since this court has no jurisdiction to revise the pay scales of the petitioners. Hence he does not want to press the present petition/reference which is dismissed as withdrawn. However, the petitioners are at liberty to seek redress from competent court of law, if admissible. Let a copy of this order be sent to the appropriate Government for publication in the official gazette. It be consigned.

Announced.

Seal.

Sd/-  
Presiding Judge,  
H.P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Presiding Judge, H. P. Industrial  
Tribunal-cum-Labour Court, Shimla

Ref. No. 115/2001

Shri Vinayak Sawant

Versus

Manager, M/s Stecalit Ltd., Baddi, Distt. Solan, (H.P.)

8-3-2006.

Present : Shri Hem Raj, AR for the petitioner,

Shri Rajeev Sharma, AR for the respondent.

No PWs present. The learned AR for the petitioner stated that he could not locate the petitioner and is also not aware about his address. As per the reference, the onus to prove the

suspension and dismissal of the petitioner by the management was on the petitioner, but as no evidence is present or produced, further no list of witness, PF or MD has been filed. Accordingly, Issue is decided against the petitioner.

In view of my findings of aforesaid issue, the reference is answered against the petitioner. Let a copy of this order be sent to the appropriate Government for publication in the official gazette.

Announced.

Seal.

Sd/-  
Presiding Judge,  
H. P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Presiding Judge, H. P. Industrial  
Tribunal-cum-Labour Court, Shimla

Ref. No. 90/2005

Shri Vinod Kumar

Versus

The Registrar, Dr. Y. S. Parmar University of  
Horticulture Forestry, Nauni, Distt. Solan (H. P.)

13-3-2006.

Present : None for the petitioner.

Sh. D. S. Kanwar, Adv. Ld. Cl for respondent.

Case called thrice. But none has appeared on behalf of the petitioner. From the perusal of the court file, it appears that the petitioner has been served as per acknowledgement of petitioner received. As none has appeared the petition is dismissed in default for non-appearance of the petitioner. Accordingly, the reference is answered against the petitioner. Let a copy of this order be sent to the appropriate Government for publication in the official gazette. It be consigned.

Announced.

Seal.

Sd/-  
Presiding Judge,  
H. P. Industrial Tribunal-cum-  
Labour Court

In the Court of Presiding Judge, H. P. Industrial  
Tribunal-cum-Labour Court, Shimla

Ref. No. 179/2003

Shri Bhagat Ram

Versus

MD Counterman Pipers. (India) Ltd., Nalagarh, Distt. Solan,  
(H. P.)

17-3-2006.

Present : Shri J. C. Bhar Jwaj, AR for the petitioner.

Shri Rajeev Sharma, Advocate for respondent.

Today the case was listed for the evidence of the petitioner. From the perusal of the Court file, it appears that the issues were framed on 22-12-2004 and the case was listed for petitioner evidence on 24-3-2005, 4-7-2005, 20-9-2005, 8-11-2005 and again for 16-3-2005, but no witness is present despite due opportunity given. The onus to prove Issue No. 2 was on the petitioner, but has failed to produce any evidence. Hence, Issue No. 2 is decided against him.

As no evidence has been produced by the petitioner, the respondent does not want to press the issue.

In view of my findings on Issue No. 2 above, the present petition become in fruituous and the reference is answered accordingly. Let a copy of this order be sent to the appropriate Government for publication in the official gazette.

Announced.

Seal.

Sd/-  
Presiding Judge,  
H. P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Presiding Judge, H. P. Industrial  
Tribunal-cum-Labour Court, Shimla

Ref. No. 102/2005

Shri Pyar Chand

Versus

Factory Manager, M/s Solchorome System Ltd., Sector-5,  
Parwanoo, Distt. Solan (H. P.)

20-3-2006.

Present : None for the petitioner.

Shri Neeraj Maniktala, Advocate for the respondent.

Case called thrice but none has appeared on behalf of the petitioner despite valid service. It is already 3.30 P.M. Accordingly the reference is answered against the petitioner for want of any material on record. Let a copy of this order be sent to the appropriate Government for publication in the Official Gazette.

Announced.

Seal.

Sd/-  
Presiding Judge,  
H. P. Industrial Tribunal-cum-  
Labour Court, Shimla

In the Court of Presiding Judge, H. P. Industrial  
Tribunal-cum-Labour Court, Shimla

Ref. No. 136/2004

Shri Jufli Ram

Versus

Manager, Himalayan Forests Agro Products  
Pvt. Ltd., Barotiwala, Distt. Solan (H. P.)

20-3-2006.

Present : None for the petitioner.

Shri L. S. Negi, Adv. Ld.Cl. for respondent.

Today the case has been listed for filing the statement of claim. But none on behalf of petitioner including petitioners themselves are present which clearly shows that they have nothing to say in the matter. Accordingly the reference is dismissed and answered against the petitioners. Let a copy of this order be sent to the appropriate Government for publication in the official gazette. It be consigned.

Announced.

Seal.

Sd/-  
Presiding Judge,  
H. P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Presiding Judge, H. P. Industrial  
Tribunal-cum-Labour Court, Shimla

Ref. No. 96/2005

Shri Sat Dev Yadav

Versus

Manager, Sunil and Company, Plot No. 90, Baddi Distt.  
Solan. (H. P.)

14-3-2000.

Present : None

Case called thrice but none has appeared on behalf of the petitioner despite valid service. It is already 3.20 P.M. Accordingly the reference is answered against the petitioner for want of any material on record. Let a copy of this order be sent to the appropriate Government for publication in the Official Gazette.

Announced.

Seal.

Sd/-  
Presiding Judge,  
H. P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Presiding Judge, H. P. Industrial  
Tribunal-cum-Labour Court, Shimla

Ref. No. 267/2002

Shri Sushil Kumar

Versus

Executive Engineer, I & PH Division Nahan, Distt. Sirmour  
(H. P.)

2-3-2006.

Present : Shri O. P. Sharma, Advocate for petitioner.  
Shri Sandeep Singh, Adv. Ld.Cl. for respondent.

The present reference has been received from the appropriate Government for adjudication.

The learned ADA has stated that he received telephonic message that the petitioner has already joined in HPPWD as per the award passed by this Court. Hence, the present reference petition is liable to be dismissed. The learned counsel appearing for the petitioner Shri O. P. Sharma has stated that in view of the statement of the learned ADA, he do not want to press the present reference.

In view of the statement of counsel of the parties and learned ADA, the present reference is dismissed as not pressed. Let a copy of this order be sent to the appropriate Government for publication in the official gazette.

Announced.

Seal.

Sd/-  
Presiding Judge,  
H. P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Presiding Judge, H. P. Industrial  
Tribunal-cum-Labour Court, Shimla

Ref. No. 151/2002

Shri Laig Ram

Versus

Executive Engineer, H.P. State Vidya Board P/Sahib,  
Distt. Sirmour (H. P.)

2-3-2006.

Present: Shri O. P. Sharma, Advocate for the petitioner.

Ms. Shilpa Sood, Advocate for the respondent.

No. PWs present. From the perusal of the Court file, it appears that the issues were framed on 28-5-2004 and the case was listed for petitioner evidence on 30-8-2004. The learned counsel for the petitioner prayed adjournment for producing the PWs on 30-8-2004, 29-11-2004, 3-3-2005, 6-6-2005, 22-8-2005, 18-11-2005 and again on 2-3-2006. On the last date of hearing, the learned counsel has stated that the petitioner is admitted in the hospital and the adjournment was given subject to pay of Rs. 100/- But again no witness is present today and there is no reason given for the non-production of the witnesses. The onus to prove issue No. 1 was on the petitioner, but as no evidence has been produced, the issue is accordingly decided against the petitioner.

In view of the findings on Issue No. 1, the petitioner is not entitled for any relief. Accordingly, the reference is decided against the petitioner. Let a copy of this order be sent to the appropriate Government for publication in the official gazette.

Announced.

Seal.

Sd/-  
Presiding Judge,  
H. P. Industrial Tribunal-cum-  
Labour Court, Shimla

In the Court of Presiding Judge, H. P. Industrial  
Tribunal-cum-Labour Court, Shimla

APP. 19/99

Shri Surinder Kumar

Versus

Project Manager, NJJV and another (H. P.)

22-2-2006.

Present: Sh. Hem Raj, AR for the petitioner.

Ms. Yogita Dutta, Adv. Ld. Cl. for Respd. No. 1

Sh. Rajesh Mandhotra, Adv. Ld. Cl. for Respd. No. 2.

Again no PW is present. From the perusal of the court file, it appears that issues were framed on 9-9-2002 and thereafter the case was listed for PWs on 10-12-2002, 10-4-2003, 1-7-2003, 1-9-2003, 21-11-2003, 29-3-2004 and 2-4-2004. Thereafter, the case was listed for settlement on 26-4-2004, 7-5-2004, 22-5-2004, 23-7-2004 and 30-8-2004. But the same could not be materialised and the case was again listed for PWs on 24-11-2004, 2-3-2005, 22-3-2005, 29-6-2005, 5-9-2005, 30-11-2005 and 22-2-2006. Sh. Hem Raj, AR for the petitioner has stated that he could not contact the petitioner despite his best efforts and is not knowing the whereabouts of the petitioner. In view of numerous opportunities given for petitioner's evidence, the petitioner has failed to produce any evidence, which shows that he has nothing to say in the matter and there is no merit in the case. Accordingly, the application is dismissed for want of prosecution. Let a copy of this order be sent to the appropriate Government for publication in the official gazette. It be signed.

Announced.

Seal.

Sd/-  
Presiding Judge,  
H. P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Presiding Judge, H. P. Industrial  
Tribunal-cum-Labour Court, Shimla

Ref. No. 12/2003

Shri Data Ram

Versus

Divisional Forest Officer Renukaji Distt. Sirmour H.P.

24-12-2005.

Present: None for the petitioner.

Shri Sandeep Attri, Ld. ADA for respondent.

Today the case was fixed for filing rejoinder and issues, but none on behalf of the petitioner appeared. From the perusal of the court file, it appears that the reply filed by the respondent on 16-12-2004 and thereafter, the case was listed for filing rejoinder and issues on 18-2-2005, 27-4-2005, 14-6-2005, 17-8-2005, 24-9-2005, 26-11-2005 and 24-12-2005 but despite 7 opportunities granted to the petitioner for filing rejoinder, he has failed to file the same. Moreover, none on behalf of the petitioner appeared on 24-12-2005 which clearly shows that the

petitioner has nothing to say in the matter. Accordingly the reference is replied in negative. Let a copy of this order be sent to the appropriate Government for publication in the official gazette.

Announced.

Seal.

Sd/-  
Presiding Judge,  
H. P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Presiding Judge, H. P. Industrial  
Tribunal-cum-Labour Court, Shimla

Ref. No. 152/2006

Kapra Mazdoor Lal Thanda Union Biddi, Distt. Solan  
(H.P.).

Versus

Management of M/s Birla Textile Mills, Sai Road Baddi,  
Distt. Solan (H. P.).

23-2-2006.

Present : None for the petitioners.

Shri R. K. Jain and Sh. Jagdish Thakur, Advocates for  
respondent.

Today the case is listed for the petitioners' evidence, but neither the petitioner nor their representative is present. From the perusal of the Court file, it appears that the issues were framed on 22-7-2002 and the case was listed for the petitioners evidence for 3-9-2002, 15-5-2003, 4-8-2003, 2-4-2004, 7-6-2004, 24-9-2004, but the petitioners have failed to produce any evidence despite numerous opportunities and thereafter the case was identified for settlement in Lok Adalat on 12-10-2004 on which date the conciliation failed and again the case was listed for petitioners evidence on 20-12-2004, 1-3-2005, 5-5-2005, 27-6-2005, 27-10-2005 and 23-2-2005. Again the petitioners evidence is not present which clearly proves that the petitioners have no case. Moreover, the onus of Issue No. 1 was on the petitioners and when no evidence is produce to prove the case, Issue No. 1 is accordingly decided against the petitioners.

In view of my findings on Issue No. 1 above, the present reference is answered accordingly. Let a copy of this order be sent to the appropriate Government for publication in the official gazette. The case file after its completion be consigned to record room.

Announced in the open court today this 23rd day of  
May, 2005.

Seal.

Sd/-  
Presiding Judge,  
H. P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Presiding Judge, H. P. Industrial  
Tribunal-cum-Labour Court, Shimla

Ref. No. 175/2002

Shri Gain Chand

Versus

Plant Manager, Indian Oil Corporation Bottling Plant, Baddi  
and another.

20-2-2006.

Present : Sh. Jagdish Thakur, Adv. Ld. Cl. for petitioner.  
Ms. Veena Sood, Adv. vice Cl. for respondent No. 1.  
Ms. Bhavna Dutta, Adv. vice for respondent No. 2.

The leaned counsel for the petitioner has stated that he has not received any instructions from the LRs of the petitioner despite his best efforts. Hence, the case is dismissed.

Announced.

Seal.

Sd/-  
Presiding Judge,  
H. P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Presiding Judge, H. P. Industrial  
Tribunal-cum-Labour Court, Shimla

APP. 37/2000

Shri Rakesh Sharma

Versus

Project Manager NJJV, H.O. Katla, P.O. Box No. 2, Tehsil  
Rampur Bushehr, Distt. Shimla and another.

9-3-2006.

Present : None for the petitioner.

Ms. Yogitta Dutta, Adv. for respondent No. 1.  
Shri Rajesh Mandhotra, Advocate for respdt. No. 2.

Today the case is fixed for PWS. But neither the witness nor Shri Hem Raj, AR is present. From the perusal of the Court file, it appears that the issues were framed on 9-9-2002. Thereafter, the case was listed for petitioner evidence for 13-12-2002, 20-6-2003, 24-9-2003, 29-12-2003, 31-3-2004, 2-4-2004, 26-4-2004, 7-5-2004, 22-5-2004, 23-7-2004, 30-8-2004, 21-6-2005, 23-8-2005, 11-11-2005, 16-11-2005, but despite numerous opportunities, the petitioner has failed to produce any evidence in support of his case. The onus to prove the claim was on the petitioner as per Issue No. 1. As no evidence in support of the claim has been produced, the issue is decided against the petitioner.

In view of the above discussion, the present petition is dismissed. The case file after its completion be consigned to record room.

Announced.

Seal.

Sd/-  
Presiding Judge,  
H. P. Industrial Tribunal-cum-  
Labour Court, Shimla.



In the Court of Presiding Judge, H. P. Industrial  
Tribunal-cum-Labour Court, Shimla

APP. 1/99

Shri Chandma Kumar Divedi

*Versus*

Project Manager, NJJV and another

27-3-2006.

Present : Sh Hem Raj, AR for the petitioner.

Ms. Yogita Dutta, Advocate for the respondent No. 1.

Ms. Sushma Sharma, Advocate for respondent No. 2.

Ms. Yogita Dutta, Advocate for respondent No. 1 has stated that all the workers except 3 S/Sh. Dharam Pal Sharma, Sabar Pillai and Raj Karan have already received their entire payment. She has tendered three bank drafts that is for Raj Karan Rs. 11, 077/-, Dharam Pal Sharma Rs. 13,288/-, Sabar Pillai Rs. 20,900/-. All the three Drafts received by Sh. Hem Raj appearing on behalf of petitioners. Sh Hem Raj, AR has stated that in view of the payment, he does not want to press the petition, which may be dismissed as settled. Let the copy of this order be placed in all the connecting files. It be consigned.

Announced.

Seal.

Sd/-  
Presiding Judge,  
H. P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Presiding Judge, H. P. Industrial  
Tribunal-cum-Labour Court, Shimla

APP. 2/99

Shri Bharat Naik and others

*Versus*

Project Manager NJJV and others

27-3-2006.

Present : Sh Hem Raj, AR for the petitioner.

Ms. Yogita Dutta, Advocate for the respondent No. 1.

Ms. Sushma Sharma, Advocate for respondent No. 2.

Ms. Yogita Dutta, Advocate for respondent No. 1 has stated that all the workers except 3 S/Sh. Dharam Pal Sharma, Sabar Pillai, and Raj Karan have already received their entire payment. She has tendered three bank Drafts that is for Raj Karan Rs. 11, 077/-, Dharam Pal Sharma Rs. 13,288/-, Sabar Pillai Rs. 20,900/-. All the three Drafts received by Sh. Hem Raj appearing on behalf of petitioners. Sh Hem Raj, AR has stated that in view of the payment, he does not want to press the petition, which may be dismissed as settled. Let the copy of this order be placed in all the connecting files. It be consigned.

Announced.

Seal.

Sd/-  
Presiding Judge,  
H. P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Presiding Judge, H. P. Industrial  
Tribunal-cum-Labour Court, Shimla

APP. 3/99

Shri Gurmeet Singh and others

*Versus*

Project Manager, NJJV and another

27-03-2006.

Present : Sh Hem Raj, AR for the petitioner.

Ms. Yogita Dutta, Advocate for the respondent No. 1.

Ms. Sushma Sharma, Advocate for respondent No. 2.

Ms. Yogita Dutta, Advocate for respondent No. 1 has stated that all the workers except 3 S/Sh. Dharam Pal Sharma, Sabar Pillai, and Raj Karan have already received their entire payment. She has tendered three bank Drafts that is for Raj Karan Rs. 11, 077/-, Dharam Pal Sharma Rs. 13,288/-, Sabar Pillai Rs. 20,900/-. All the three Drafts received by Sh. Hem Raj appearing on behalf of petitioners. Sh Hem Raj, AR has stated that in view of the payment, he does not want to press the petition, which may be dismissed as settled. Let the copy of this order be placed in all the connecting files. It be consigned.

Announced.

Seal.

Sd/-  
Presiding Judge,  
H.P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Presiding Judge, H. P. Industrial  
Tribunal-cum-Labour Court, Shimla

PP. 4/99

Shri Lekh Ram and others

*Versus*

Project Manager, NJJV and another

27-3-2006.

Present : Sh Hem Raj, AR for the petitioner.

Ms. Yogita Dutta, Advocate for the respondent No. 1.

Ms. Sushma Sharma, Advocate for respondent No. 2.

Ms. Yogita Dutta, Advocate for respondent No. 1 has stated that all the workers except 3 S/Sh. Dharam Pal Sharma, Sabar Pillai, and Raj Karan have already received their entire payment. She has tendered three bank Drafts that is for Raj Karan Rs. 11, 077/-, Dharam Pal Sharma Rs. 13,288/-, Sabar Pillai Rs. 20,900/-. All the three Drafts received by Sh. Hem Raj appearing on behalf of petitioners. Sh Hem Raj, AR has stated that in view of the payment, he does not want to press the petition, which may be dismissed as settled. Let the copy of this order be placed in all the connecting files. It be consigned.

Announced.

Seal.

Sd/-  
Presiding Judge,  
H.P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Presiding Judge, H. P. Industrial  
Tribunal-cum-Labour Court, Shimla

In the Court of Presiding Judge, H. P. Industrial  
Tribunal-cum-Labour Court, Shimla

APP. 5/99

Shri Paramjit and others

Versus

Project Manager, NJJV and another

27-03-2006.

Present : Sh Hem Raj, AR for the petitioner.

Ms. Yogita Dutta, Advocate for the respondent No. 1

Ms. Sushma Sharma, Advocate for respondent No. 2

Ms. Yogita Dutta, Advocate for respondent No. 1 has stated that all the workers except 3 S/Sh. Dharam Pal Sharma, Sabar Pillai and Raj Karan have already received their entire payment. She has tendered three bank Drafts that is for Raj Karan Rs. 11,077/-, Dharam Pal Sharma Rs. 13,288/-, Sabar Pillai Rs. 20,900/-. All the three Drafts received by Sh. Hem Raj appearing on behalf of petitioners. Sh Hem Raj, AR has stated that in view of the payment, he does not want to press the petition, which may be dismissed as settled. Let the copy of this order be placed in all the connecting files. It be consigned.

Announced.

Seal.

Sd/-

Presiding Judge,  
H.P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Presiding Judge, H. P. Industrial  
Tribunal-cum-Labour Court, Shimla

APP. 6/99

Shri Gian Singh and others

Versus

Project Manager, NJJV and another

27-3-2006.

Present : Sh Hem Raj, AR for the petitioner.

Ms. Yogita Dutta, Advocate for the respondent No. 1.

Ms. Sushma Sharma, Advocate for respondent No. 2.

Ms. Yogita Dutta, Advocate for respondent No. 1 has stated that all the workers except 3 S/Sh. Dharam Pal Sharma, Sabar Pillai and Raj Karan have already received their entire payment. She has tendered three bank Drafts that is for Raj Karan Rs. 11,077/-, Dharam Pal Sharma Rs. 13,288/-, Sabar Pillai Rs. 20,900/-. All the three Drafts received by Sh. Hem Raj appearing on behalf of petitioners. Sh Hem Raj, AR has stated that in view of the payment, he does not want to press the petition, which may be dismissed as settled. Let the copy of this order be placed in all the connecting files. It be consigned.

Announced.

Seal.

Sd/-

Presiding Judge,  
H.P. Industrial Tribunal-cum-  
Labour Court, Shimla.

APP. 7/99

Shri Prem Chand and others

Versus

Project Manager, NJJV and another

27-3-2006.

Present : Sh Hem Raj, AR for the petitioner.

Ms. Yogita Dutta, Advocate for the respondent No. 1

Ms. Sushma Sharma, Advocate for respondent No. 2

Ms. Yogita Dutta, Advocate for respondent No. 1 has stated that all the workers except 3 S/Sh. Dharam Pal Sharma, Sabar Pillai and Raj Karan have already received their entire payment. She has tendered three bank Drafts that is for Raj Karan Rs. 11,077/-, Dharam Pal Sharma Rs. 13,288/-, Sabar Pillai Rs. 20,900/-. All the three Drafts received by Sh. Hem Raj appearing on behalf of petitioners. Sh Hem Raj, AR has stated that in view of the payment, he does not want to press the petition, which may be dismissed as settled. Let the copy of this order be placed in all the connecting files. It be consigned.

Announced.

Seal.

Sd/-

Presiding Judge,  
H.P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Presiding Judge, H. P. Industrial Tribunal-  
cum-Labour Court, Shimla

APP. 8/99

Shri Kabi Kumar

Versus

Project Manager NJJV and another

27-3-2006.

Present : Sh Hem Raj, AR for the petitioner.

Ms. Yogita Dutta, Advocate for the respondent No. 1.

Ms. Sushma Sharma, Advocate for respondent No. 2.

Ms. Yogita Dutta, Advocate for respondent No. 1 has stated that all the workers except 3 S/Sh. Dharam Pal Sharma, Sabar Pillai and Raj Karan have already received their entire payment. She has tendered three bank Drafts that is for Raj Karan Rs. 11,077/-, Dharam Pal Sharma Rs. 13,288/-, Sabar Pillai Rs. 20,900/-. All the three Drafts received by Sh. Hem Raj appearing on behalf of petitioners. Sh Hem Raj, AR has stated that in view of the payment, he does not want to press the

petition, which may be dismissed as settled. Let the copy of this order be placed in all the connecting files. It be consigned.

Announced.

Seal.

Sd/-  
Presiding Judge,  
H.P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Presiding Judge, H. P. Industrial  
Tribunal-cum-Labour Court, Shimla

APP. 11/99

Shri Raj Karan and other

Versus

Project Manager, NJIV and another

27-3-2006.

Present : Sh Hem Raj, AR for the petitioner.

Ms. Yogita Dutta, Advocate for the respondent No. 1.

Ms. Sushma Sharma, Advocate for respondent No. 2.

Ms. Yogita Dutta, Advocate for respondent No. 1 has stated that all the workers except 3 S/Sh. Dharam Pal Sharma, Sabar Pillai and Raj Karan have already received their entire payment. She has tendered three bank Drafts that is for Raj Karan Rs. 11,077/-, Dharam Pal Sharma Rs. 13,288/-, Sabar Pillai Rs. 20,900/-. All the three Drafts received by Sh. Hem Raj appearing on behalf of petitioners. Sh Hem Raj, AR has stated that in view of the payment, he does not want to press the petition, which may be dismissed as settled. Let the copy of this order be placed in all the connecting files. It be consigned.

Announced.

Seal.

Sd/-  
Presiding Judge,  
H.P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Presiding Judge, H. P. Industrial  
Tribunal-cum-Labour Court, Shimla

APP. 10/99

Shri Hari Chand

Versus

Project Manager, NJIV and another

27-3-2006.

Present : Sh Hem Raj, AR for the petitioner.

Ms. Yogita Dutta, Advocate for the respondent No. 1

Ms. Sushma Sharma, Advocate for respondent No. 2.

Ms. Yogita Dutta, Advocate for respondent No. 1 has stated that all the workers except 3 S/Sh. Dharam Pal Sharma, Sabar Pillai and Raj Karan have already received their entire payment. She has tendered three bank Drafts that is for Raj Karan Rs. 11,077/-, Dharam Pal Sharma Rs. 13,288/-, Sabar Pillai Rs. 20,900/-. All the three Drafts received by Sh. Hem Raj appearing on behalf of petitioners. Sh Hem Raj, AR has stated that in view of the payment, he does not want to press the petition, which may be dismissed as settled. Let the copy of this order be placed in all the connecting files. It be consigned.

Announced.

Seal.

Sd/-  
Presiding Judge,  
H. P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Presiding Judge, H. P. Industrial  
Tribunal-cum-Labour Court, Shimla

APP. 11/99

Shri Kashmir Singh

Versus

Project Manager, NJIV and another

27-3-2006.

Present : Sh Hem Raj, AR for the petitioner.

Ms. Yogita Dutta, Advocate for the respondent No. 1.

Ms. Sushma Sharma, Advocate for respondent No. 2.

Ms. Yogita Dutta, Advocate for respondent No. 1 has stated that all the workers except 3 S/Sh. Dharam Pal Sharma, Sabar Pillai, and Raj Karan have already received their entire payment. She has tendered three bank Drafts that is for Raj Karan Rs. 11,077/-, Dharam Pal Sharma Rs. 13,288/-, Sabar Pillai Rs. 20,900/-. All the three Drafts received by Sh. Hem Raj appearing on behalf of petitioners. Sh Hem Raj, AR has stated that in view of the payment, he does not want to press the petition, which may be dismissed as settled. Let the copy of this order be placed in all the connecting files. It be consigned.

Announced.

Seal.

Sd/-  
Presiding Judge,  
H. P. Industrial Tribunal-cum-  
Labour Court, Shimla.